

ALEPH ETHICS CODE

Adopted by the ALEPH Board of Directors on 1/7/2016

PREAMBLE

Spiritual Leaders are expected to embody the highest ethical standards in both their professional and personal lives. It is imperative that, whether ordained or not, they conduct themselves with honesty, morality, and integrity in all dealings with those whose lives they touch. While there are differences between the roles of lay leaders and ordained leaders, between those who receive fees for their Spiritual Leadership and those who volunteer, between those who act as sole leader of a community and those who are part of a cadre of paid staff or volunteers, certain basic ethical principles apply to all of these. Therefore, all Spiritual Leaders of ALEPH communities are expected to make a commitment to ethical professional conduct and to avoiding even the appearance of impropriety.

The ALEPH Ethics Code (hereinafter the "Ethics Code" or simply "Code") was initially modeled on OHALAH's original ethics code adopted in 2002. Both ALEPH's and OHALAH's ethics codes have evolved over time, based upon one another's codes as well as upon the codes of other clergy and professional organizations. Many of those who are subject to this ALEPH Ethics Code are also subject to the OHALAH code and/or the codes of other religious, educational or professional institutions.

A. ETHICAL PRINCIPLES AND GENERAL GUIDELINES

1. **SAFETY.** The ALEPH Ethics Code and the ALEPH Statement of Principles place special emphasis on creating safe environments in ALEPH-affiliated synagogues, institutions, and Jewish communities, ensuring the equality of all adult participants in all aspects of communal Jewish life.
2. **PRINCIPLED BEHAVIOR.** Persons covered by this Code shall conduct themselves in accordance with the Torah's teachings, including, but not limited to, *kevod haberiyot/collegiality*, *lashon hara/gossip*, *hasagat gevul/personal boundaries*, *ladun lekhaif zechut/respect*, and *teshuvah/repentance*. In the clearest words, our Torah directs us: "You shall not steal; you shall not deal deceitfully or falsely with one another ... Do not pervert justice. Do not give special consideration to the poor nor show respect to the great ... You must love your neighbor as (you love) yourself" (Lev. 19:11-18).
3. **DIVERSITY.** ALEPH embraces diversity as a core value that enriches ALEPH and its associated communities, programs, learning, and spiritual practices. The fair and ethical treatment of all, without discrimination based on sex, gender identity, sexual orientation, race, ethnicity, national origin, age, disability, or political opinions is a cornerstone of this Ethics Code.
4. **FAIRNESS.** The procedures embodied in this Code are based on a concern with fairness and with the protection of the Complainant, the Respondent, the witnesses, the Congregation, and ALEPH and its leaders, teachers, staff, and students. Respect for all parties shall be shown, and appropriate confidentiality shall be maintained. Innocence shall be presumed at the onset of any ethics investigation. Parties to an ethics matter, including but not limited to all those mentioned in

this paragraph shall not coerce, intimidate, or retaliate against any party or witness to an ethics matter.

5. Persons covered by this Code ("Covered Persons") shall **MODEL ETHICAL BEHAVIOR.** They must commit to act in an ethical manner in accordance with the highest principles of Judaism, particularly toward their Congregations, Congregants, and colleagues. They must avoid even the appearance of

impropriety. Adhering to these principles will allow them to guide leaders, Congregations, and Congregants as they too confront ethical issues.

6. Covered Persons shall **NOT ABUSE THEIR AUTHORITY**. By virtue of their titles and positions, Spiritual Leaders, students in Spiritual Leadership / clergy programs, and other leaders and teachers in spiritual contexts are invested with authority that entails a concomitant responsibility to avoid exploiting, or even to appear to be exploiting, such authority for personal gain—financial or otherwise. The primary consideration at all times must be the interest of the Congregant/constituent, Congregation, agency, or institution engaging the Covered Person's services. This responsibility is part of a sacred covenant between God and the Jewish people. The exploitation of spiritual, educational, or administrative authority for self-interest constitutes a breach of the trust implied in relations with Congregants and other constituents.

7. Covered Persons shall **PRESERVE THE INTEGRITY OF THE SPIRITUAL LEADER-CONGREGANT RELATIONSHIP**, which depends upon a mutual expectation that the relationship will remain primarily professional and pastoral. Effective Spiritual Leadership of necessity involves conveying empathy, connection, and warmth to Congregants, which can sometimes blur Spiritual Leader- Congregant boundaries. This Code recognizes the humanity of Spiritual Leaders and Congregants, and the existence of unavoidable and difficult dilemmas in negotiating the relationship between Spiritual Leaders and Congregants. Nonetheless, Spiritual Leaders are responsible for establishing and preserving appropriate boundaries that ensure the integrity of these relationships.

8. **GROUNDS FOR DISCIPLINE UNDER THIS ETHICS CODE** include, but are not limited to: misuse of spiritual, educational, or administrative power or influence for illicit sexual, financial, or other personal advantage; conviction of a felony involving moral turpitude; fraudulent misrepresentation of professional credentials; and failure to fulfill contractual obligations in the absence of mitigating circumstances.

B. DEFINITIONS

1. Terms used in this Ethics Code:

a. Covered Person: Any person subject to this Ethics Code, as described in section C.

b. Spiritual Leader: This term includes ordained clergy, such as rabbis, cantors, or rabbinic pastors; youth group teachers and advisors, lay leaders, *mishpacha* group leaders, workshop teachers, and other spiritual facilitators; as well as students learning or functioning in these capacities. This is thus a subset of Covered Persons (defined above), who act in positions of spiritual trust or authority.

c. Congregation: Any institution served professionally by a Spiritual Leader, as defined above, which may be a *chavurah*, school, or other similar organization.

d. Congregant: A member of a Congregation, as defined above, and thus includes students, counselees, advisees in life cycle events (such as conversions or other pastoral situations), and others over whom a Covered Person holds spiritual authority.

e. *Chaver*: A spiritual guide, mentor, and friend as described in section K. f. Complainant: The party bringing a complaint of unethical behavior to the attention of the

ALEPH Ethics Committee.

g. Respondent: The party accused of unethical behavior, responding to the ALEPH Ethics Committee.

h. Finding: The result of an investigation and hearing by the ALEPH Ethics Committee, as described in Section J, and which necessarily implies the existence of a Complainant and a Respondent.

i. Guidance: The result of a formal consultation with the ALEPH Ethics Committee, as described in Section M.

2. In the Hebrew language, most nouns, verbs, adjectives and adverbs have inherent grammatical gender called *zachar* and *nekeyvah*, which are commonly translated as masculine and feminine. In this Ethics Code, all Hebrew words, including words that appear in the grammatical masculine or the grammatical feminine, are intended to be gender-neutral.

C. WHO IS COVERED BY THIS CODE AND ITS PROCEDURES: DEFINITION OF “COVERED PERSON”

1. Spiritual Leaders at any event produced, sponsored or co-sponsored by ALEPH, including but not limited to the ALEPH *Kallah*, ALEPH Caravans, *Ruach Ha’Aretz*, ALEPH courses, and any ALEPH event taking place at a retreat center or other location (e.g. Elat Chayyim Center for Jewish Spirituality at the Isabella Freedman Jewish Retreat Center).

2. Students, teachers, directors, administrators, and other staff of all ALEPH projects and programs whose stated purpose is to cultivate Spiritual Leadership. These include, but are not limited to, ALEPH’s Ordination Programs—including the ALEPH Rabbinic Program, ALEPH Cantorial Program, ALEPH Rabbinic Pastor Program, and ALEPH *Hashpa’ah* Program—as well as other projects and programs such as DLTI (*Davvenen* Leadership Training Institute), *Kol Zimra*, Educating for Spirituality, and SAGE-ING Mentorship.

3. Spiritual Leaders, teachers, officers, directors, and managers of ALEPH-affiliated communities.

4. Members of the ALEPH Network, whether or not ordained or certified, and whether paid or volunteer.

5. ALEPH Alumni. For purposes of this Ethics Code, this designation includes all graduates of any ALEPH Ordination Program during or after Fall 2006, and all who were ordained through any predecessor to the ALEPH Ordination Programs, including the B'nai Or Religious Fellowship and P'nai Or Religious Fellowship, or who received private ordination from Reb Zalman *zt”l*, regardless of membership in the ALEPH Alumni Association.

6. Traveling scholars, teachers, and service leaders who teach or lead services as guests at or on behalf of an ALEPH-affiliated community or member of the ALEPH Network.

7. Members of the ALEPH Board of Directors and members of other governing bodies within ALEPH, and members of ALEPH Committees, including but not limited to the ALEPH Ethics Committee.

D. NOTIFICATION AS TO ALEPH ETHICS COMMITTEE JURISDICTION

1. Before any ALEPH event at which ALEPH retains individuals to serve as staff, independent contractors, or volunteers for such event, such individuals shall be required to sign a statement notifying them that they are bound by this Ethics Code and that any alleged violations, past or present, are subject to investigation by the ALEPH Ethics Committee.

2. Any teachers, spiritual directors, Directors of Study, or other *Vaad* members associated with the ALEPH Ordination Programs, before they take on those roles, shall be required to sign a statement

notifying them that they are bound by this Ethics Code, and that any alleged violations, past or present, are subject to investigation by the ALEPH Ethics Committee.

3. Congregations in the ALEPH Network shall ask their Spiritual Leaders and other staff to sign a statement acknowledging that they are bound by this Ethics Code, and that any alleged violations, past or present, are subject to investigation by the ALEPH Ethics Committee.

4. Upon admission to an ALEPH Ordination Program or any other project or program whose stated purpose is to cultivate Spiritual Leadership, such as DLTI (*Davvenen* Leadership Training Institute), *Kol Zimra*, Educating for Spirituality, and SAGE-ING Mentorship, students shall be required to sign a statement notifying them that they are bound by this Ethics Code and that any alleged violations, past or present, are subject to investigation by the ALEPH Ethics Committee. A student who leaves before completion/graduation/ordination is no longer subject to ALEPH Ethics Committee jurisdiction based only on his or her previous student status. Nothing in this paragraph will prevent the ALEPH Ordination Programs, with approval of the ALEPH Board of Directors, from enacting an ethics code to govern students and teachers in the ALEPH Ordination Programs based on the unique academic and clergy spiritual formation status.

5. ALEPH's administrative offices shall maintain a comprehensive file of all signed statements returned in accordance with this section, as well as statements signed by traveling scholars, teachers, and service leaders in ALEPH Congregations and contexts otherwise returning signed ethics statements.

6. Notwithstanding any apparent technical violation of the notice procedures of this section, where it is shown that a Respondent or potential Respondent in an ALEPH Ethics Committee investigation or proceeding was made aware, before the alleged occurrence of the matter subject thereto, that

the Respondent's conduct would be subject to this Ethics Code, such apparent technical violation will not prohibit such investigation or proceeding. In such instance, the Respondent may show, by clear and convincing evidence, that in the context of such apparent technical violation, the Respondent did not know and reasonably should not have known that Respondent's conduct would be subject to this Ethics Code and that it would be unjust, under the facts and circumstances presented, to apply such Ethics Code to those facts and circumstances. Such determination shall be for the ALEPH Ethics Committee to make in accordance herewith, subject to appeal to the ALEPH Board of Directors.

E. GENERAL ETHICS COMMITTEE PROCEDURES

1. The purpose of procedures under this Ethics Code is to determine whether a Covered Person acted unethically, and if so, to determine what steps should be taken to respond to the violation.

2. These procedures are based on a concern with fairness and with the protection of the Respondent, the Complainant, the Congregation or other context, and ALEPH. Respect for all parties shall be shown.

3. Hearings and investigations shall operate on the Ethical Principles of Section A of this Code, but are not bound by *halacha* or by the rules of criminal or civil courts. Except as where otherwise expressly required, all Findings shall be decided on the basis of the preponderance of evidence.

4. The confidentiality of all parties shall be preserved throughout the process, unless they request otherwise, except as specifically provided below.

5. The Chair of the ALEPH Ethics Committee shall see that written records are kept at all stages of the proceedings.

6. An inquiry into a Spiritual Leader's ethical and professional integrity is also, by implication, an inquiry into the integrity of ALEPH. Therefore, proceedings shall not be vacated solely on the basis of a Spiritual Leader resigning his/her position, reaching a financial settlement, or resigning from ALEPH.

7. No member of the ALEPH Ethics Committee or Board of Directors shall participate in a case in which that member has a close relationship to one of the parties, or other potential conflict of interest. A member of the ALEPH Ethics Committee or Board of Directors who has a close relationship to one of the parties in an ethics matter, or other real or reasonably perceived conflict of interest, who declines voluntarily to recuse, may be recused from the matter after a reasonable opportunity to be heard.

8. If a Covered Person against whom a complaint has been brought refuses to respond or cooperate, the Hearing Committee appointed by the ALEPH Ethics Committee will still proceed, bearing in mind the presumption of innocence and the other general principles in this section.

9. ALEPH undertakes to bear the costs of investigating a complaint, including those associated with the Hearing Committee visiting an affected community to gather information.

10. When the Respondent is subject to both this Ethics Code and another professional ethics code:

a. The Chair of the ALEPH Ethics Committee may, upon consultation with counsel and/or the ALEPH Ethics Committee and/or the ALEPH Board of Directors, refer the matter of such Respondent to the other professional ethics committee of the organization under whose code the Respondent is subject.

b. If the other ethics committee referred to in paragraph E.10.a wishes to take sole jurisdiction over the matter, the ALEPH Ethics Committee may relinquish jurisdiction over the matter to that other professional ethics committee.

c. If the other professional ethics committee referred to in paragraph E.10.a wishes to share jurisdiction over the matter with the ALEPH Ethics Committee, ALEPH may form a joint ethics committee to consider the complaint, investigate the matter, take up an appeal, and/or oversee the recommendations or determinations rendered in the matter, provided that the procedures shall be consistent with the requirements of this Ethics Code to the maximum extent practicable.

F. FINANCIAL AND OTHER BREACHES OF PROFESSIONAL TRUST

1. It is unethical for a Covered Person to use funds of a Congregation or any other entity engaging the Covered Person's services for personal financial gain without the knowledge and written consent of a duly empowered representative thereof.

2. It is unethical for a Covered Person to exploit spiritual or other professional power, persuasion, or authority over a Congregant, student, staff member, or colleague for personal gain.

3. It is unethical to misrepresent one's professional education, experience or credentials. 4. It is unethical to fail to fulfill contractual obligations in the absence of mitigating circumstances.

5. As suggested by Section A, there can be other breaches of financial or other professional trust that are not enumerated in this Ethics Code.

G. GUIDELINES FOR MAINTAINING PROFESSIONAL BOUNDARIES

1. Spiritual Leaders' behavior toward Congregants that is intended to communicate caring can, on

occasion, be interpreted as inappropriate blurring of boundaries. Such behavior can significantly impair spiritual and professional relations. Spiritual Leaders are obliged to be especially sensitive to the danger of such perceptions. In particular, Spiritual Leaders should be sensitive to choose appropriate locations and hours for meetings, as well as to be aware that certain physical contact and comments might be perceived as inappropriate in the context of the Spiritual Leader - Congregant relationship.

2. In the event that a Congregant interprets a Spiritual Leader's behavior as suggesting a romantic or sexual interest, the Spiritual Leader is responsible to state unequivocally that such a relationship

is not appropriate. In such a situation, the Spiritual Leader is strongly urged to seek advice from colleagues and/or other professionals.

H. DEFINITIONS: PROFESSIONAL SEXUAL ETHICS

1. Sexual Harassment. It is unethical to engage in sexual or other harassment of a Congregant, staff member, student, colleague or other person with whom a Covered Person deals professionally. Sexual harassment is defined as, but not limited to, deliberate or repeated seductive speech, sexual comments, gestures, physical contacts, and inappropriate visual attention such as leering. It may include unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

2. Unethical Sexual Activity by Covered Persons.

a. It is unethical for any Covered Person to engage in, or attempt to engage in, sexual activity with anyone who is a minor or an unwilling adult.

b. It is unethical for a Covered Person to engage in, or attempt to engage in, sexual activity with anyone over whom the Covered Person holds significant spiritual, administrative, or educational authority. Such sexual relationships are unethical even if suggested or welcomed by the other individual. It is the responsibility of each Covered Person to maintain appropriate boundaries consistent with these ethical requirements. Sexual activity may include intimate or unwanted physical contact as well as intercourse.

c. In particular, any sexual relationship between a Spiritual Leader and a Congregant is fraught with risks for both parties and is illegal in some jurisdictions. These risks include ambiguities about the perceived power of the clergy, the Spiritual Leader's ability to provide future pastoral care for the Congregant, and the future of both parties in the Congregation. Spiritual Leaders in small or isolated communities should be especially aware that a problematic relationship may make it difficult for the Congregant to stay in the synagogue and result in the Congregant's loss of a significant Jewish connection.

3. Spiritual Leaders and Former Congregants. It is unethical for a Spiritual Leader to engage in sexual activity that is prohibited in Section H.2.b or H.2.c within one year of the termination of the Spiritual Leader-Congregant relationship. There must be a full termination of the relationship to help break the power imbalance and thus to allow for the development of a healthy, mutual relationship. This does not mean that any relationship after one year is automatically ethical, but that such relationships will be assessed on a case-by-case basis. Furthermore, some jurisdictions states and professional organizations prohibit relationships for longer periods following the termination of a professional relationship. Before engaging in such a relationship, the Spiritual Leader is strongly urged to seek advice from colleagues and/or other professionals.

I. CRIMINAL ACTS

If it comes to the Ethics Committee's attention that a Covered Person has been charged with any violent criminal act or a criminal act that, if proven, would violate this Ethics Code, the Chair of the Ethics

Committee will proceed as if the ALEPH Ethics Committee received a written complaint on that matter. The Ethics Committee will determine, on a case-by-case basis, whether to proceed with an investigation and hearing.

J. SPECIFIC PROCEDURES OF THE ETHICS COMMITTEE

1. The Chair of ALEPH's Ethics Committee is the central person to receive complaints or initiate action under this Ethics Code. The Chair of ALEPH Ethics Committee shall designate a Vice-Chair or an alternate in case the Chair of the Ethics Committee is unavailable, is recused due to conflict of interest, or is excused due to other extenuating circumstances.

2. The Ethics Committee may receive complaints from any source, including but not limited to a Congregant, Congregational officer, an affected party, a layperson, a colleague, or any association or rabbis, cantors, rabbinic pastors or spiritual directors. Any member of the Ethics Committee may file a complaint, stating the reasonable grounds for further inquiry.

3. To be accepted by the Ethics Committee for investigation, a complaint must contain specific information about approximate dates, location, and type of alleged misconduct. The Chair of the Ethics Committee is responsible for informing any potential Complainant of the Ethics Committee procedures and to assist in the prompt filing of any such complaint.

4. While there is no explicit statute of limitations for the filing of a complaint under this Ethics Code, the interests of fairness are better served when a complaint is presented within six months of an alleged violation. At any time, any member of the Ethics Committee or the Respondent may assert that an undue lapse of time between the alleged violation and the filing of a complaint so prejudices the Respondent, or so impedes a reasonably sure determination of the facts, that the matter should not be further investigated or adjudicated. Upon such assertion, the Chair will determine whether proceedings should be declined on that basis; if the Chair does not decline proceedings, the matter may be appealed to the entire ALEPH Ethics Committee for determination. Where a matter is declined as untimely, this determination will be communicated to the Complainant. A declination to proceed on timeliness grounds will not constitute an affirmative Finding by the ALEPH Ethics Committee for any purpose.

5. The Chair, after consultation with at least one member of the Ethics Committee, will submit to the committee, in writing, a statement of whether there is a sufficient factual cause to investigate the complaint in more detail. This written statement shall be submitted within two weeks of the complaint. If the Chair determines the case does not merit an inquiry, the other committee members will have two weeks to agree or disagree with this determination by a simple majority. If there is a majority disagreement, the committee shall proceed with a formal inquiry of the complaint. If it is determined there is not sufficient cause the Complainant shall be notified in writing.

6. In any case involving alleged abuse of a minor, the Chair shall immediately report the matter to the appropriate legal authorities.

7. If there is sufficient cause to investigate the complaint in more detail, within one month of the decision to investigate, the Chair of the Ethics Committee shall appoint a Hearing Committee of at

least three to conduct appropriate proceedings on the matter. Where there are allegations of sexual

misconduct, the committee members shall be appointed with due consideration for the gender identity and sexual orientation of both the Complainant and the Respondent.

8. The Chair of the Ethics Committee shall offer to assist in finding *Chaverim* for the various parties in the matter, as described in Section K.

9. As soon as possible, and no later than the appointment of a Hearing Committee, the Chair of the Ethics Committee shall notify the Respondent by certified mail of the complaint and shall ask the Respondent to submit a written response to the allegation. If the Respondent fails to respond within thirty days, the investigation shall still continue. The Complainant shall be notified of the substance of the response, and if appropriate, be given an opportunity to submit a reply in writing.

10. Subsequent to notifying the Respondent, but before convening a hearing, the Chair of the Ethics Committee shall notify the President or another appropriate officer of the Congregation (or other entity engaging the Covered Person's services) of the allegations, without revealing names given in confidence. With the Respondent's consent, the substance of the Respondent's written response will also be shared. The Ethics Committee Chair shall inform the President or other appropriate institutional officer about Ethics Committee timelines and procedures, and provide a copy of this document. The Ethics Chair shall also describe resources available to the Congregation for dealing with this matter. The Respondent shall be informed of this notification. The Ethics Chair will emphasize to the President or other appropriate institutional officer the desirability of confidentiality, when appropriate.

11. Placement and Employment Solicitation. If the Ethics Committee determines it to be appropriate in the matter at hand based on the severity of the alleged offense and other surrounding circumstances, the Chair of the Ethics Committee may notify the Respondent that, during the pendency of the proceeding, the Respondent may not pursue any job placement or other spiritual service opportunities solicited through ALEPH or OHALAH, including their affiliated email or social media networks, until the Ethics Committee reaches a Finding in the matter or otherwise permits the Respondent to pursue such opportunities. Such determination by the Ethics Committee may be appealed by the Respondent to the ALEPH Board, which shall decide by a majority vote whether to uphold the Committee's determination.

12. Communication Regarding a Pending Complaint. Immediately upon receipt of an ethics complaint, the Chair of the Ethics Committee shall inform the Chair of the ALEPH Board and the Executive Director of ALEPH of the name of the accused. The Chair shall immediately inform the full Board of Directors that an ethics complaint has been received and shall invite all of ALEPH's divisions and constituent organizations to discuss with the Chair of the ALEPH Board and the Executive Director of ALEPH the names of any candidates it or its constituents may be intending to hire. Without providing any substantive information regarding the ethics investigation, the Chair or Executive Director shall advise such persons within the ALEPH organizations if an investigation is underway. If the Respondent accused is a student or teacher in one of ALEPH's Ordination Programs, or a member of the Vaad ("academic council") that oversees the Ordination Programs, the Chair of the Ethics Committee will inform the Dean of the name of the Respondent accused and state that an investigation is underway.

13. Broader Public Communication in Exceptional Circumstances. In exceptional circumstances, it may be necessary to immediately publicize the existence of an ethics complaint. For this action to be taken, all of the following circumstances must exist: (a) the Respondent must currently be in a teaching or congregational role and therefore in a position to cause serious harm to other people; (b) the Ethics Committee or Board of Directors meeting in emergency session must find, based on the information available, that there probably was misconduct as defined elsewhere in this Code and that the Respondent probably committed that misconduct; and (c) the alleged misconduct must constitute criminal behavior that would be regarded as a felony in most jurisdictions. If either the Ethics Committee

or the Board of Directors makes such a determination, then either the ALEPH Chair or the Executive Director of ALEPH may issue a public statement that an ethics investigation regarding serious misconduct is pending against the Respondent and that appropriate action is being taken to investigate the complaint and protect the community.

14. Suspension with Pay. Depending on the nature of the complaint, following appointment of a Hearing Committee and notification of the Congregational or institutional President or other officer, the Chair of the Ethics Committee, in consultation with the ALEPH Chair and the Rabbinic Director of ALEPH may recommend to the Congregation or other entity engaging the Covered Person's services that it temporarily suspend the Respondent with pay and benefits, until the Hearing Committee meets and the Ethics Committee can make a decision. It is understood that suspension with pay may be of mutual benefit in a difficult situation, without prejudice to a particular outcome. In the event that the Respondent is suspended with pay, the Ethics Committee will make all reasonable efforts to render a decision within three months from the date upon which it is informed that the Respondent was suspended.

15. Congregational Officer Leave of Absence. Depending on the nature of the complaint, the Ethics Committee Chair may recommend that any Complainant in a position of authority in the Congregation or other entity, engaging the Covered Person's services and whose work involves the Respondent, take a leave of absence until the matter is resolved.

16. Hearing Committee:

a. The Hearing Committee shall review the written complaint, the Respondent's written response to the complaint, and the Complainant's written reply to the response, if any. The Hearing Committee may request that the parties submit further written testimony, statements, or documents, as appropriate.

b. If deemed necessary and appropriate, the Hearing Committee may conduct additional proceedings on the telephone or using other technology, for the purpose of, but not limited to, the taking of additional testimony, hearing arguments, conducting mediation efforts, or for any other purpose that may assist it in resolving the complaint.

c. If deemed necessary and appropriate, the Hearing Committee may conduct additional proceedings in person, for the purpose of, but not limited to, the taking of additional testimony, hearing arguments, conducting mediation efforts, or for any other purpose that may assist it in resolving the complaint. The Hearing Committee may hold a number of sessions. In consultation with the Chair of the Ethics Committee, they may solicit testimony from others who have direct knowledge or professional expertise relevant to the complaint.

d. The Hearing Committee may recommend that the Respondent meet with a mental health professional with experience in this field, chosen by the Ethics Committee for a professional assessment to be communicated to the Committee.

e. During the above processes, either party may recommend to the Hearing Committee that it seek to interview particular witnesses or seek particular documents. The Hearing Committee retains the discretion to limit the number, length and order of all submissions.

f. Within a reasonable time following the completion of its proceedings, the Hearing Committee shall present a written report to the Ethics Committee, with findings of fact regarding the merit of the complaint.

17. The Ethics Committee shall meet within a reasonable time of receiving the written report. A quorum

of three members who were not part of the Hearing Committee is necessary for this meeting, which may be held electronically or by telephone. In addition to the report of the Hearing Committee, the Ethics Committee (or subcommittee) may receive additional written statements from the Complainant, the Respondent, accused or their advocates.

18. Ethics Committee Actions. The Ethics Committee may recommend a number of actions, including but not limited to:

a. No Cause for Action.

b. Advisory. This is an educational message to the Respondent for an inadvertent or minor violation. It may include recommendations.

c. Reprimand. This action is a significant reproof or rebuke. It is based upon an assessment that the reprimand is adequate to ensure that the unethical or inappropriate actions will not recur and where the committee feels that the individual can continue to function in a spiritual context. A reprimand may include probation.

d. Suspension from ALEPH and/or OHALAH. (As to OHALAH, this paragraph refers only to OHALAH members and is included here for informational purposes, and is subject to approval of the OHALAH Board of Governors). Suspension shall mean a discontinuation of privileges for a fixed period of time. This action is taken in a case where there is a major ethics violation and the continued functioning of the Respondent in his or her role may be threatening to the well-being of himself, herself or others, but where a period of therapy or other treatment, and restitution or other *teshuvah* as appropriate, may result in his/her future return to active status. The person under suspension may not take any active role in ALEPH. Suspension will be communicated to Respondent and appropriate means across ALEPH, and will be automatically combined with probation (defined below in section J.19).

e. Expulsion/termination from ALEPH. This remedy is subject to approval of the ALEPH Board of Directors. This step is recommended when in the judgment of the Ethics Committee, the Respondent cannot continue to function or participate in ALEPH-sponsored programs, trainings, communities, network affiliates or other contexts or events. The Respondent facing expulsion has the right to present testimony to the Board of Directors. Expulsion will be communicated publicly.

19. Probation:

a. Probation may be required in case of reprimand and will be required in case of suspension. The Ethics Committee shall monitor compliance. The Ethics Committee may require financial restitution, apology, or psychological treatment (in-patient or out-patient) or limitations on employment settings as conditions of probation.

b. The key criterion for ending probation will be the Ethics Committee's assessment that it is reasonably sure the violation will not recur, and the violator's continued spiritual service as does not pose a threat to the well-being of the violator or others.

c. The length of the probation may be extended if deemed appropriate by the Ethics Committee. Likewise, at any time during the probationary period the Ethics Committee may require a different action based on new information, a new understanding of previous information, non-compliance with the terms of probation, or non-cooperation with the Ethics Committee.

d. Probation may not extend beyond three years without a review by the Ethics Committee. Probation, an extension of probation, or its conditions, may be appealed by the individual under probation to the

ALEPH Board of Directors.

20. Appeal. Any substantive decision of the Ethics Committee may be appealed by the Respondent or the Complainant to the ALEPH Board of Directors within thirty days of the decision. The Board will render a final decision by a majority vote within two months of the appeal. In the interest of fairness to the parties, any member of the ALEPH Board of Directors who has participated in the ALEPH Ethics Committee that handled the matter shall be recused from the appeal proceedings.

21. Appeal of Suspension or Expulsion. In the case of an appeal of suspension or expulsion approved by the Board of Directors, the Chair of the Board of Directors will appoint an appeal committee consisting of at least three people who previously have not heard the case to consider the appeal. This appeal committee shall deliver a recommendation to the Board of Directors that will render a final decision by majority vote within two months of the appeal.

22. The Finding and disciplinary decision of the Ethics Committee will be simultaneously shared with personal letters to the Complainant, the accused, and the Congregational or institutional President or other officer. The Chair of the ALEPH Board, the Executive Director of ALEPH, and the Rabbinic Director of ALEPH shall also receive written notice of final decisions. An advisory or reprimand shall not be publicized within to ALEPH by name, although the general circumstances may be described in the Ethics Committee's annual report. It is at the Respondent's option as to whether a Finding of no cause for action will be publicized by name within ALEPH. Suspension or expulsion shall be communicated by name to any rabbinic, cantorial, rabbinic pastor, spiritual director or other relevant professional organizations of which the Respondent is a member, and the Board of Directors of ALEPH, which shall convey this information to its divisions and constituents. The Chair of ALEPH may also share information regarding suspension or expulsion with the Congregational or institutional organization with which the Respondent is or was affiliated.

23. Consultation. The Chair of the Board of Directors and the Chair of the Ethics Committee may seek advice at any stage from professionals and others who have expert knowledge useful in the particular case at hand.

24. Variation in Timetable. The timetable above is designed to provide a prompt and fair inquiry. The Chair of the Ethics Committee or Chair of the ALEPH Board of Directors may extend a deadline above if necessary in the interests of justice. Any delay or change in the timetable will be communicated in writing by the Ethics Committee to all the affected parties.

25. Inquiries. Confidentiality is crucial. However, when it is deemed to be in the best interest of protecting the public, ALEPH, and its divisions and constituents, the Chair of the Ethics Committee may respond to inquiries about allegations regarding a specific person covered by this Ethics Code. The Chair may reveal: a) that an investigation of the alleged violation is underway; b) that the investigation has been resolved but is confidential; or c) that a person has been suspended or expelled. No other details are to be revealed except in specific accordance with this Ethics Code. In responding to an inquiry under this paragraph, the Chair will consult with ALEPH General Counsel as appropriate.

K. PROCEDURE FOR *CHAVER/CHAVERA*

1. The Chair of the Ethics Committee shall offer to assist in finding a *Chaver* for the Complainant, for the Respondent, and for the Respondent's Congregation or other entity engaging the Covered Person's services, in order to help the parties better understand the ethics process and to offer support during the process. A *Chaver* should be a person who has training or experience in the ALEPH ethics process.

2. The *Chaver* for the Respondent may not discuss the case with any person who has a complaint against that Respondent, or with any person who is a witness for such a Complainant.
3. The *Chaver* for the Complainant may not discuss the case with any person who is a Respondent in the matter, or with any person who is a witness for such a Respondent.
4. A current member of the ALEPH Board of Directors or the ALEPH Ethics Committee may not serve as a *Chaver* in an ALEPH ethics case.
5. The *Chaver* shall not play an active role in the ethics proceedings. The *Chaver* may not be a witness in the case and shall not speak during the taking of oral testimony of the party to whom the individual is a *Chaver*. The *Chaver* shall not be present during the taking of testimony of any other party to the ethics case, including the witnesses of the party to whom the individual is a *Chaver*.

L. FOLLOW-UP AND SUPPORT

1. ALEPH undertakes a particular responsibility to a Respondent who has been cleared of the charges of unethical behavior, and will provide support to that individual and will assist in the healing of the affected community.

2. If there is a finding of unethical behavior by a Respondent, ALEPH recognizes an obligation to offer continuing concern, spiritual advice, and support to the Complainant and others affected, even after the conclusion of formal proceedings. In such a case, the Chair of ALEPH should consult with the Chair of the Ethics Committee, the Hearing Committee, and the victim's advocate on appropriate ways of offering continued contact and moral support.

M. GUIDANCE BY THE ALEPH ETHICS COMMITTEE

1. Questions Presented. When the ALEPH Board of Directors, or any officer thereof as defined by the Bylaws of ALEPH, determines that a substantial ethical question may exist or arise in the conduct of ALEPH business, such a question may be referred to the ALEPH Ethics Committee by communicating in writing with the Chair of that committee for review. A substantial ethical question includes, but is not limited to:

- a. determining whether a conflict of interest exists or may exist within the meaning of this Ethics Code or other ALEPH policy;
- b. construing this Ethics Code or other applicable ethics policy to avoid a potential violation thereof; and/or
- c. otherwise determining the most ethical course(s) of conduct given the facts presented.

2. Procedure. Upon receipt of a written question from the ALEPH Board of Directors in accordance with paragraph 1 of this section, the Chair of the ALEPH Ethics Committee shall consult with its Vice Chair and at least one other member of the ALEPH Ethics Committee to review the question and undertake such inquiry as they may determine. At the discretion of those three members of the ALEPH Ethics Committee, such inquiry may include appropriate consultation with persons having factual knowledge of the subject matter of the question presented. Based on their consultation, inquiry, and deliberations, the Chair of the ALEPH Ethics Committee will either provide the ALEPH Board of Directors a written Guidance in response to the question on behalf of the ALEPH Ethics Committee or refer the question to the full ALEPH Ethics Committee for further deliberation and determination, following which the Chair of

the ALEPH Ethics Committee will provide a written Guidance to the ALEPH Board of Directors. Taking into account the confidentiality requirement of Section E, the written Guidance will state the factual circumstance to which it applies.

3. Clarification of Question. If at any time the ALEPH Ethics Committee determines that it requires factual clarification of the question presented, the ALEPH Ethics Committee may in writing request such clarification, and the ALEPH Board of Directors or officer thereof requesting a Guidance will in writing provide such clarification.

4. Effect of Guidance on ALEPH Board of Directors. A determination of the ALEPH Ethics Committee pursuant to paragraph 2 of this section is binding on the ALEPH Board of Directors as to the facts of the question presented, except as the ALEPH Board of Directors may determine by two-thirds vote.

5. Guidance is not a Finding. A determination of the ALEPH Ethics Committee pursuant to this section is not a Finding. A Finding is the result of an ethics investigation and hearing, as described in

Section J, and which necessarily implies the existence of a Respondent and a Complainant—neither of which exist when the ALEPH Board requests a Guidance from the Ethics Committee.