

**As members of the Association of Reform Jewish Educators, we are obligated to maintain the highest standards and to serve as role models in both our personal and professional lives.**

As members of the ARJE we agree to act consistently with all policies established in this Code of Ethics, all established policies, procedures, handbooks and regulations of the organization of which a member is an employee and all local, state and national laws, regulations and ordinances. Failure to comply with any of the aforementioned things will subject the educator to a review by the Ethics Committee.<sup>1</sup> Engaging in behaviors which even consider the appearance of misconduct, abusing our power, acting in an exploitative manner or being dishonest in our work come in conflict with the standards that we are held to. In the moments when we do not meet these standards, it is incumbent upon us to do [the work of] *teshuvah*, participate in a facilitated restorative justice process, engage in rehabilitation, make restitution when necessary and avoid repetition.

The ARJE encourages maintaining a healthy work-life balance, which includes establishing boundaries and practicing self-care, as it is one of the ways we ensure we can live up to these standards."<sup>2</sup> Additionally, the ARJE is committed to providing ongoing training and education for its members, to ensure we are aware of new language and expectations related to ethics as well as the most current methods of restorative justice.<sup>3</sup>

The role of the Ethics Committee is to ensure that the profession of the Jewish educator remains both safe and sacred. When a member of our community violates any of these pillars of our profession, we must act quickly and seriously to address the situation.<sup>4</sup> In Pirkei Avot 1:14 we read the familiar words, "*Im ein ani li, mi li,*" our reminder that each one of us is ultimately responsible for our own actions. This is all the more true when our actions negatively impact the Jewish communities in which we serve. It is with this value in mind that we establish this Code of Ethics so that we may inspire excellence in all of the work that we do.

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<sup>1</sup> Educators are encouraged to consult with the Chair of the Ethics Committee in order to better understand the Code of Ethics or ask questions about its implementation.

<sup>2</sup> We encourage educators to reach out to the ARJE Board of Trustees if they need support in any of these areas.

<sup>3</sup> Specifics about this education and training are outlined in Appendix E.

<sup>4</sup> The Ethics Committee is meant to determine if our Code of Ethics has been violated, **not** whether a law has been broken.

## I. PERSONAL OBLIGATIONS

### A. Drugs and Alcohol

Educators will not let drugs or alcohol to prevent or inhibit them from fulfilling the responsibilities of their job in a safe and appropriate manner.<sup>5</sup>

### B. Intellectual Honesty

Proper attribution must be used in all instances where materials are being used or shared. An educator is responsible for doing their due diligence to ensure they are not presenting plagiarized material as their own.

All members should have integrity when describing their credentials and experience.

### C. Commitments

If an educator is unable to fulfill a commitment, they must find a qualified substitute and discuss the change immediately with their liaison at the organization they were committed to.

If an educator is promoting their services for hire publicly all communications should be in good taste.

### D. Accepting Gifts

Educators should be mindful of accepting gifts from congregants, vendors or volunteers and should adhere to all gift and conflict of interest policies as established by their organization.

## II. FINANCIAL

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<sup>5</sup> If you are suffering from an addiction, we encourage you to reach out to Beit Tshuvah at [btsrecovery.org](http://btsrecovery.org) or 1-866-511-0676, or The T'Shuvah Center at [tshuvahcenter.org](http://tshuvahcenter.org), both of which are Jewish addiction treatment centers.

Educators must not participate in any form of financial impropriety. Financial impropriety includes, but is not limited to: inappropriate use of funds for personal or family expenses, embezzlement, non-payment of just debts, tax evasion or any illegal monetary dealings.

### III. RELATIONSHIPS

#### A. Supervision

Educators must reflect the highest standards of supervision: being an open and willing listener and providing thoughtful and personalized mentoring.

Educators must maintain accurate and confidential records for all employees, including attendance, payroll, reviews, documentation of critical conversations and disclosures of chronic health conditions, in keeping with state and federal recordkeeping requirements..

Educators must not allow any form of bias to have a role in the hiring, supervision or termination of employees. Educators may not treat any employee differently based on ancestry, age, any form of disability, genetic information, gender, gender identity, gender expression, marital status, medical condition, military or veteran status, national origin, race, religion, sex<sup>6</sup> or sexual orientation.

Educators must treat all employees with respect and dignity and may not use any form of verbal or emotional abuse, gaslighting<sup>7</sup>, coercion, blackmail or any form of bullying<sup>8</sup> in their interactions and communications with employees.

Educators have an obligation to respond quickly and appropriately if they learn that someone is a victim of or engaged in unethical behavior. This includes full documentation of how and when they learned about the violation, as well as the names of all those included. This may also

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<sup>6</sup> Sex includes but is not limited to pregnancy, childbirth, breastfeeding, post-partum depression or related medical conditions.

<sup>7</sup> Gaslighting is defined as manipulating someone by psychological means into questioning their own sanity.

<sup>8</sup> Bullying is defined as unwanted, aggressive, deliberate behavior.

include making a report to the ACC, ARJE, CCAR, HUC, NATA, URJ, WRN or other relevant organization.

B. Relationships Between Staff Within the Same Congregation (non-supervisees)

Colleagues within the same congregation should treat each other as partners in their work, showing each other personal and professional respect both publicly and privately.

C. Relationships Between Educators<sup>9</sup>

An educator should not engage in activities which interfere with another educator's organization or the organization's community.<sup>10</sup>

An educator should not engage in activities at another educator's organization without being in communication prior to their engagement.

An educator may not solicit for employment, nor encourage efforts to solicit for employment, an employee of another organization. All job postings must be done through a formal process.

D. Transitioning Roles

Educators should make every attempt possible to ensure smooth transitions as they enter and exit a job. Educators should help members of their organization accept the new educator with an open mind. The educator should refuse to be drawn into newly established relationships or challenges between the new educator and congregants.

The successor and outgoing educator have an obligation to show honor and courtesy to each other and the successor should respect the experience and work of their predecessor.

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<sup>9</sup> These obligations extend to all educators, whether they are members of ARJE or not, as well as students who are on their way to becoming colleagues.

<sup>10</sup> This includes but is not limited to running a program which targets members of another organization, spreading gossip about other educators or talking poorly about other organization's programming.

#### IV. Confidentiality and Its Limits

Educators should share relevant pastoral information with those who need to know, as educators are often the first to be informed.

Educators have an obligation to maintain outward<sup>11</sup> confidentiality about the financial and personal information of members of their organization and the organization as a whole.

When sharing experiences or asking for advice on social media, educators should take care to protect the confidentiality of those in the situation they are describing.

Educators are obligated to report any case of suspected, actual or potential violations of the law. Educators are also obligated to protect other individuals against retaliation for making such reports.<sup>12</sup>

Educators have an obligation to know the laws regarding mandated reporting for their current location and to follow all rules and regulations regarding mandated reporting, even at the expense of breaking confidentiality. Educators who also hold the title of clergy are expected to adhere to all mandated reporting laws, regardless if they are not required to do so under their clergy title.

#### V. SEXUAL BOUNDARIES

Educators must abstain from all forms of sexual misconduct.<sup>13</sup> While all violations of sexual boundaries are unacceptable and will be taken seriously, for the purposes of adjudication, we consider the following categories:

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<sup>11</sup> Outward confidentiality is defined as sharing member or organizational information with other members or those outside of the organization.

<sup>12</sup> The ARJE will not retaliate against any member who, in good faith, reports a suspected violation by another member of the ARJE.

<sup>13</sup> If you are suffering from an addiction, we encourage you to reach out to Beit Tshuvah at [btsrecovery.org](http://btsrecovery.org) or 1-866-511-0676, or The T'Shuvah Center at [tshuvahcenter.org](http://tshuvahcenter.org), both of which are Jewish addiction treatment centers.

1. Less serious offenses include but are not limited to inappropriate comments, jokes, verbal and/or visual conduct of a sexual nature.
2. More serious offenses include but are not limited to all forms of sexual harassment and intimidation, physical assault, sharing or requesting pornographic materials, stalking, invasion of privacy, requests for sexual favors, unwelcome physical contact or conduct or threatening someone's employment as a consequence of refusing advances. Additionally, any situation which involves a minor is considered to be a more serious offense.

Any relationship which violates the professional-personal boundary, in particular a relationship which an educator feels needs to keep a secret, should be seriously considered as to whether it is ethical.<sup>14</sup>

Educators should not engage in relationships which cause them or encourage others to betray the boundaries of committed relationships.

## V. PROCESSES FOR ADJUDICATION

### A. The Ethics Committee<sup>15</sup>

- a. The Ethics Committee shall investigate and adjudicate complaints against members of the ARJE.
- b. The Ethics Committee may choose to investigate the complaint on their own. They may also choose to convene an Information Gathering Group.
- c. If the complaint is of a sexual nature, the Ethics Committee must appoint an Information Gathering Group.

### B. Reporting

- a. Any person with knowledge of misconduct may report a complaint.
- b. Complaints should be made at [ethics@reformededucators.org](mailto:ethics@reformededucators.org) which gets automatically sent to the Chair and Vice-Chair of the Ethics Committee and the Executive Director.<sup>16</sup> A link to make a complaint will be clearly displayed on the Ethics page of our website.

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<sup>14</sup> All relationships with minors which violate the professional-personal boundary are unethical.

<sup>15</sup> The formation of the Code of Ethics Review Committee is detailed in Appendix B

<sup>16</sup> If a complaint needs to be made against the current Chair of the Ethics Committee, the complainant should reach out to the Executive Director directly.

- c. An educator may self-report a violation of the Code of Ethics. A self-report is treated as an admission of guilt.
- d. All ARJE members should be aware of the process by which someone makes an official complaint so they are prepared if there is an inquiry.
- e. In order for a complaint to be made official, it must be done so in writing. Complaints must include first and last names of all parties involved and specific details about the nature of the behavior.
  - i. If someone is not yet ready to make an official complaint, but has reached out with information about an ethical violation, a member of the Ethics Committee will be assigned to check in with them regularly to assist them in becoming ready to make an official complaint.
- f. There is no statute of limitations for reporting.

### C. Responding

- a. As each situation is unique and complex, the Chair and Vice-Chair will navigate how to achieve transparency of process while maintaining as much confidentiality as is possible for all those included.
- b. Upon receiving a complaint, the Chair or Vice-Chair will write back within 10 days, clarifying the investigation process and giving a timetable. They should also ask whether the complainant has or needs resources to support them during this process. If the complaint is made by someone other than the victim, the Chair or Vice-Chair must determine whether the victim knows the complaint has been made.
- c. If the complainant is interested in pursuing legal action, they may file a claim with the Ethics Committee, but the adjudication process will not begin until the legal proceedings are complete.
- d. The Chair or Vice-Chair will assign two members of the Ethics Committee to serve as Guides to see the complaint through the entire process. These Guides should be included on the email described in section “e” under “C. Responding.”
- e. The Chair or Vice-Chair will promptly send notice of the complaint and investigation to the educator, alleged victim and third party if applicable. They will also send notice to the educator’s Executive Director or Senior Rabbi/Cantor and/or Board President.<sup>17</sup>

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<sup>17</sup> The alleged offender will be encouraged to tell their Executive Director and/or Senior Rabbi/Cantor and/or Board President first, and will be given 48 hours to do so.

- i. The educator will be asked to respond in writing ideally within 10 days, no more than 30 days.
    - ii. A copy of the educator's response will be sent to the alleged victim and third party if applicable.
  - f. If needed, the Chair or Vice-Chair, along with the two Guides will establish an Information Gathering Group.<sup>18</sup> The two Guides from the Ethics Committee will brief the Information Gathering Group on the situation and provide them with all relevant documentation up until that point.
  - g. If the alleged incident is so severe that people or institutions are in imminent danger, the Chair and Vice-Chair, in conjunction with the educator's supervisor, may determine whether the educator needs to be removed from their role while the investigation takes place.
  - h. Members of the Ethics Committee or Information Gathering Group may acknowledge receipt of a complaint but may not disclose any other details about the investigation process.
- D. Information Gathering Group
  - a. If needed, a group will be convened to gather additional information so a more full report of the situation can be prepared for the Ethics Committee.
  - b. The group will meet with all involved parties, including but not limited to the alleged offender and accuser, the person who made the complaint (if it was not the alleged victim)<sup>19</sup>, other staff at the organization and experts in the field.
  - c. The group may ask for any documentation that is relevant to the situation, including but not limited to print or electronic documents, financial and/or accounting records, phone messages or records, time cards and text messages.
  - d. If a person is asked to meet with the group, they may be accompanied by up to two additional people.
  - e. The group will maintain careful records of all communications and meetings.
  - f. The Information Gathering Group should take no more than 60 days to complete their process and write their report. If they need more than 60 days, the Chair of the Ethics Committee must be notified in advance.

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<sup>18</sup> The formation of the Information Gathering Group is detailed in Appendix B

<sup>19</sup> The alleged offender, alleged victim, third party complainant (if there is one) and representative from the alleged offender's organization (Executive Director, Senior Rabbi/Cantor or Board President) will now be referred to as "all involved parties."



- g. The group will present their findings in writing to the Chair of the Ethics Committee, including their recommendation for proceeding with the adjudicatory process. Their options for proceeding are:
    - i. Unanimous finding that there is not sufficient information to proceed with the adjudicatory process. (In this situation, the case goes back to the Ethics Committee and the guides can inform the alleged victim and/or person who filed the complaint of the process. They may also choose to do a second round of information gathering.)
    - ii. Unanimous finding that there is sufficient information to proceed with the adjudicatory process.
    - iii. A split finding, in which case the Ethics Committee will review the report and determine whether to proceed with the adjudicatory process.
  - h. The report will be shared with the Ethics Committee. The guides will also share the report with all involved parties. All may respond in writing within ten days. All responses will be shared with the Ethics Committee.
  - i. Once the Ethics Committee has reviewed the report and any additional responses (section “h” above), the alleged offender and victim, the person who made the complaint (if it was not the alleged victim) may be asked to respond to additional questions from the Ethics Committee. All of these people may also request the opportunity to speak directly with the Ethics Committee. If this request is made, the other involved parties will be notified.
  - j. When the Ethics Committee has reached a decision, all involved parties will be notified in writing about the decision, including information about the appeals process.
- E. The Adjudicatory Process<sup>20</sup>
- a. Dismissal - The Ethics Committee dismisses the complaint. In this situation, all involved parties have the opportunity to bring an appeal to the Appeals Committee.
  - b. Action on Complaint - There are three types of actions which may occur if the Ethics Committee finds the educator in violation of the Code of Ethics.
    - i. Reprimand
      - 1. Requires a  $\frac{2}{3}$  vote of the Ethics Committee.

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<sup>20</sup> ARJE agrees to uphold the ruling on a member of ARJE who is also a member of the ACC, CCAR or NATA. ARJE agrees to apply our most similar consequences and proceed accordingly. ARJE also agrees to report the results of our process to our partner organizations.

2. Used for minor infractions only.
  3. Notice of a reprimand is not published.
  4. Reprimands are shared with all involved parties.
  5. Any educator who resigns during the course of the investigation will be expelled. Their reason for expulsion will be listed on the public page of the ARJE website.
- ii. Suspension
1. Required a  $\frac{2}{3}$  vote of of Ethics Committee
  2. Used for infractions that are more serious than a Reprimand but not so serious as to require Expulsion.
  3. The Committee, in consultation with experts, will recommend a Restorative Justice process, which is more fully described in section “G” below.
  4. The offender’s supervisor is informed of the ruling.
  5. The offender’s name is published on a public page of the ARJE website, indicating which section of the Code of Ethics they violated.
  6. Any educator who resigns during the course of the investigation or refuses to participate in the Restorative Justice process will be expelled. Their reason for expulsion will be listed on the public page of the ARJE website.
- iii. Expulsion
1. Requires a  $\frac{2}{3}$  vote of of Ethics Committee
  2. Used for infractions that are very serious.
  3. The Committee, in consultation with experts, will determine whether a Restorative Justice process is appropriate.
  4. The offender’s supervisor is informed of the ruling.
  5. The offender’s name is published on a public page of the ARJE website, indicating which section of the Code of Ethics they violated.
  6. Any educator who resigns during the course of the investigation or refuses to participate in the Restorative Justice process will be expelled. Their reason for expulsion will be listed on the public page of the ARJE website.

## F. The Appeals Process

- a. The President of the Board of Trustees and the Va'ad will appoint an Appeals Committee to serve on a case-by-case basis.<sup>21</sup>
  - b. The Appeals Committee's role will be to review the original case, with the presumption of correctness, as their role is to determine if there is prejudicial abuse of discretion. If there are clarifying questions or additional documentation or resources are needed, they may ask for it, but they may also limit the quantity and format of additional documentation or resources.
- G. The Restorative Justice Processes<sup>22</sup>
- a. ARJE believes in and supports the process of Restorative Justice, in order to have true *teshuvah* and rehabilitation for all involved parties.
  - b. In an adjudication process where an educator is found guilty, ARJE will strongly encourage the educator to participate in a facilitated Restorative Justice process. A hired professional will meet with all involved parties to assess if there is interest in and if they are ready for participation in a Restorative Justice process.
  - c. The Restorative Justice process may include any of the items shown on the Restorative Justice Typology chart in Appendix G.
  - d. If the educator is willing to participate in a Restorative Justice process, they are responsible for any fees associated with their ongoing process, including but not limited to therapy, consultation fees and travel for mediation.
  - e. If the educator is not interested in the Restorative Justice process the Guides will provide resources for the victim and organization to help them process the experience.
  - f. The minimum requirement for reinstatement is that the offender participate in a Restorative Justice process. If none of the victims (including the organization) are interested in the process, the offender may still be considered for reinstatement if they fulfil their own requirements.
  - g. In order to be considered for reinstatement, written testimony from at least three reputable professionals<sup>23</sup> must be submitted, along with written testimony from the educator. The Ethics Committee will review all materials and determine whether the educator may be

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<sup>21</sup> The formation of the Appeals Committee is detailed in Appendix C

<sup>22</sup> ARJE agrees to honor the teshuvah and/or rehabilitation process for a member of ARJE who is also a member of the ACC, CCAR or NATA.

<sup>23</sup> This may include but is not limited to therapists, current supervisors and Restorative Justice facilitators. It may not include family members or previous or current colleagues who do not work directly with the educator.

reinstated. If reinstated, their name is moved to a separate part of the public part of the ARJE webpage, noting that they were found guilty of violating the Code of Ethics but they have gone through a supervised Restorative Justice process and have been reinstated.

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This Code of Ethics was voted on and approved by the Association of Reform Jewish Educators on October 21, 2021.

Many thanks to the ARJE members who served as members of the Ethics Task Force: Stacy Rosenthal (ARJE Vice President), Rabbi Carrie Vogel (Ethics Task Force Chair), Susan Cosden, Lisa Frankel, Dr. Lesley Litman, Rabbi Allison Peiser, Rabbi Elana Perry, Yanira Quinones, Louise Riddell-Kaufman, Rabbi Rena Rifkin, Rabbi Eric Rosenstein, Rabbi PJ Schwartz, Joel Swedlove, Lauren Trexler.

Guidance in both content and practice came from the Codes of Ethics of our partner organizations: American Conference of Cantors, Central Conference of American Rabbis and the National Association of Temple Administrators.

Additional thanks to Rabbi Ana Bonnheim for her institutional knowledge, David Kasakove for his thoughtfulness surrounding the appeals process, Dr. Alissa Ackerman-Acklin and Dr. Guila Benchimol for their guidance in Restorative Justice and ARJE Presidents Dr. Kathy Schwartz and Marisa Kaiser for their support.

## APPENDIX A

### FORMATION OF THE CODE OF ETHICS REVIEW COMMITTEE

The Code of Ethics Review Committee will review and update the document as needed every three years. The updated Code will be presented to the ARJE Board of Trustees for approval and then shared with membership. If adjustments need to be made to the Code of Ethics in between these review cycles, the Chair and Vice-Chair of the Ethics committee can convene a small group of former members of the Code of Ethics Review Committee or former members of the Board of Trustees to do that work.

1. The Code of Ethics Review Committee will be convened every three years.<sup>24</sup> The review process should take no more than six months.
2. The Code of Ethics Review Committee will be led by the Chair of the Ethics Committee.
3. The committee will have an additional 4 people. The committee should, to the best of its ability, be composed of a diverse group of educators.<sup>25</sup>
4. The committee should ideally have at least two people (aside from the Chair) who have served on the Ethics Committee in the past.<sup>26</sup>

### PROCESS BY WHICH THE CODE OF ETHICS IS REVIEWED

1. The Code of Ethics Review Committee will convene to review the document. Any necessary updates should be noted, especially things which need to be added since the last Code was adopted.
2. The Chair of the Ethics Committee and any former members can speak to the actual enactment of the Code, and whether any procedural changes need to be made.
3. A total of two emails will be sent to the ARJE membership asking for suggestions to be added or removed from the code. Membership will have a total of four weeks to submit these changes.
4. The Code of Ethics Review Committee will review suggestions and make suggested changes to the Code of Ethics. This will then be submitted to the Va'ad for approval before going to the full Board of Trustees.

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<sup>24</sup> This group should be convened 2.5 years after each Code of Ethics is approved so that every three years a new document is approved.

<sup>25</sup> Diversity includes but is not limited to gender, age, sexual orientation, type of job and number of years in the profession.

<sup>26</sup> After the initial round of committee members.

5. Once the new Code of Ethics has been adopted by the board, all ARJE members will be informed of the changes and the new document will be shared.

## APPENDIX B

### FORMATION OF THE ETHICS COMMITTEE

1. The Ethics Committee will be led by a Chair and a Vice-Chair.
2. The Chair and Vice-Chair will serve for 3 year terms.
3. The Vice-Chair will be the assumed successor upon the end of the Chair's term.
4. The committee will have an additional 10 people. The committee should, to the best of its ability, be composed of a diverse group of educators.<sup>27</sup>
5. One of these 10 additional members should be someone who is outside of ARJE membership and brings specific ethics or HR experience.
6. The committee members will serve for 3 year terms. Upon approval of the Chair and Vice-Chair, committee members may choose to continue for 1 additional term.
7. The Ethics Committee will meet monthly. If there are not any situations to discuss, the Chair and Vice-Chair will provide some form of learning related to ethics.
8. The Chair will be appointed by the President. The President and the Chair will select the Vice-Chair.
9. The members of the Ethics Committee will be determined and appointed by the President, Chair and Vice-Chair.
10. The Executive Director of the ARJE will serve as a non-voting member of the Ethics Committee.

### FORMATION OF THE INFORMATION GATHERING COMMITTEE

1. Three people will comprise the Information Gathering Group. Ideally these people will be located no more than 5 hours from the location where the alleged incident took place. If necessary, up to two of these people can be current or former members of the Ethics Committee.
2. The Information Gathering Group will be determined/approved by the Chair, Vice-Chair and the Guides who are overseeing the case.
3. The committee should, to the best of its ability, be composed of a diverse group of educators.<sup>28</sup>

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<sup>27</sup> Diversity includes but is not limited to gender, age, sexual orientation, type of job and number of years in the profession.

<sup>28</sup> Diversity includes but is not limited to gender, age, sexual orientation, type of job and number of years in the profession.

4. The Guides who are overseeing the case will provide the contact information for at least one professional or consultant with expertise in the area related to the complaint, for the Information Gathering Committee to rely upon.



## **APPENDIX C**

### FORMATION OF THE APPEALS COMMITTEE

1. The President of the ARJE Board of Trustees will appoint an Appeals Committee as needed.
2. It will include 5 people who have either served on the Ethics Committee or ARJE Board within the past ten years.

## **APPENDIX D**

### **PROCESS BY WHICH THIS DOCUMENT IS SHARED WITH MEMBERSHIP ANNUALLY<sup>29</sup>**

1. The Code of Ethics will live, in its entirety, on a public page of the ARJE website.
2. In each electronic communication about membership and renewal, the Code of Ethics should be referenced and linked. In paper communications, the Code of Ethics should be referenced with directions on how to find it online.
3. Membership and renewal information will include language on the Code of Ethics, as well as our shared understanding that members of ARJE will abide by the code.

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<sup>29</sup> ARJE The Board of Trustees will create a separate plan for the initial roll out of the Code of Ethics.

## **APPENDIX E**

### **ONGOING ETHICS TRAINING AND EDUCATION**

1. The ARJE strongly encourages all members to participate in ongoing ethics training and education.
2. In order to support our members, the ARJE commits to having at least one session at each Annual Gathering and at least one online learning opportunity during each year.

**APPENDIX F**

**RESTORATIVE JUSTICE VENN DIAGRAM**

*This diagram can be originally found in "Defining Justice," by Ted Wachtel, the Founder of the International Institute of Restorative Practices.*

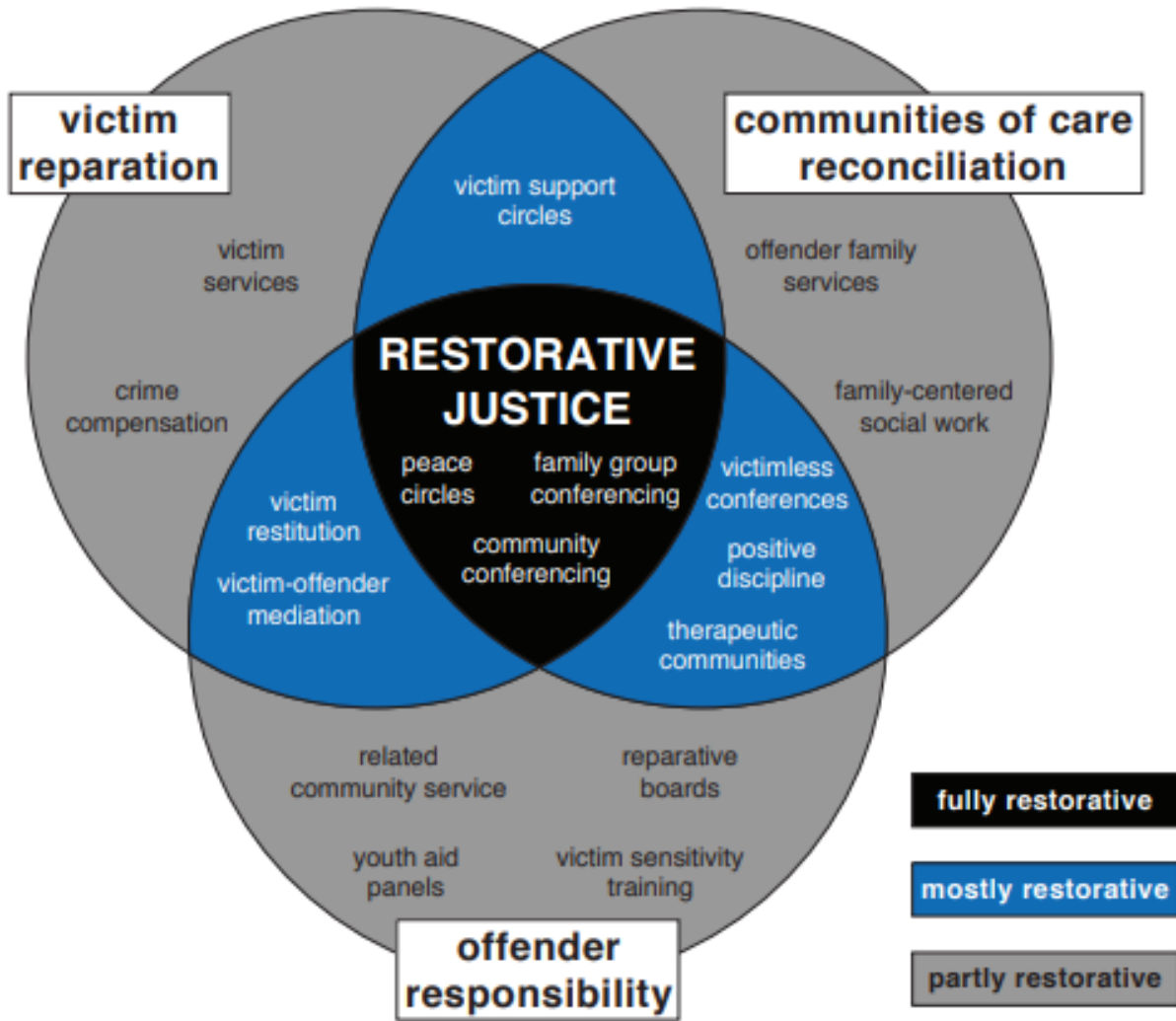


Figure 2. Restorative Justice Typology