

CODE OF CONDUCT

April 2018

*Rabbinical
Council of
America*



RCA Code of Conduct

Approved by RCA Executive Committee, March 13, 2018

Preamble

The RCA Code of Conduct sets out basic guidelines for the ethical and professional conduct of rabbis. While no code of this sort can be all inclusive, this Code establishes clear parameters that will guide the members of the Rabbinical Council of America. This Code will serve as a framework for rabbinic comportment and as a resource for rabbis to provide clarity when they face questions and challenges. It will be helpful for rabbis to study this code before entering the rabbinate and to review it during their professional tenures so as to avoid both actual impropriety and the appearance thereof.

The *Halakhah* and the *Mussar* tradition provide us with rules, guidelines, and advice, legal and aspirational, regarding proper behavior, both personal and professional. This Code of Conduct is intended to clarify the application of those traditions, supplemented with details that have particular relevance to the contemporary rabbinate.

The Code's goals are three-fold: First, to contribute to the professionalism and responsible conduct of the rabbinate in the modern world. Second, to further the mandates of *Kiddush HaShem* and avoidance of *Hillul HaShem* as expressed in Yoma 86a, in the statement of R. Yitzhak-- "If one's colleagues are shamed by his actions, that constitutes a *Hillul HaShem*." Finally, it is intended to support rabbis in their efforts to fulfill the biblical mandate to "be blameless before God and Israel" (Num. 32:22). In general, a rabbi must aspire to uphold the highest ethical standards, and, to the best of his ability, avoid even the appearance of impropriety. *Tokho ke-baro* (personal integrity) should be his ethical lodestar. He should conduct himself with humility, be aware of his own shortcomings, seek counsel and advice when appropriate, admit failings when relevant, and engage in *teshuvah* when necessary.

The directives set forth in this Code are minimum requirements. A rabbi must comport himself with honesty and integrity, and must treat all with whom he comes into contact with respect. A person who cannot do so cannot serve as a rabbi.

This Code is meant to help rabbis be their best while functioning as agents of people's spiritual growth. In that sense, this is a tool to help us achieve this aspiration.

This Code is intended to cover rabbis serving as congregational rabbis, educators, chaplains, or in other capacities in which they serve as spiritual leaders. The term congregant used in this Code is meant to apply to all whom a rabbi serves as rabbi, even if he is not his or her congregational rabbi. The Code uses the word "must" to indicate required behaviors, whereas the word "should" is used to indicate strongly urged aspirational comportment.

The RCA, through an RCA Ethics Committee, will serve as a resource to members and others who require clarification of this Code. It will also receive complaints about members' violations of the Code of Conduct and recommend corrective action, or recommend disciplinary action, or refer member for counseling and/or mentorship, or make referral to the Executive Committee for adjudication by a Vaad Hakavod. Allegations of sexual abuse will continue to be referred to the RCA Vaad Hatzedek as prescribed by the RCA Constitution, in cooperation with the civil authorities if required.

I. Personal Well-Being

1. A rabbi's ability to fulfill his duties both professionally and toward his family depends on his physical, emotional, and spiritual well-being. He should consequently dedicate time and effort to care for his physical, emotional, and spiritual health.
2. A rabbi must recognize when he is prone to or involved in any form of addictive behavior, as well as the difficulty of self-assessment in this area, and should seek professional help and treatment as appropriate.

II. Family and Personal Growth

1. The ability of a rabbi to serve his congregation properly is the function of a healthy life balance. If the demands of the rabbinic calling are so onerous as to intrude on having time for family and personal growth, everyone suffers. It is in the best interests of the congregation and its rabbi that the rabbi spends time with his family, as well as makes time for personal learning and development.
2. A rabbi's behavior with his family models for others an appropriate balance of professional responsibility and family fidelity. This includes spending time with and devoting time to learning with one's children. The rabbi must remember that his dedication to his congregation should not come at the expense of his *shalom bayit*.
3. A rabbi must be careful how he speaks about the congregation and its members in the presence of his family.
4. A rabbi must never perpetrate any form of Domestic Abuse in any form—emotional, physical, sexual, financial, or spiritual.
5. In the event that a rabbi and his wife no longer live as husband and wife, he must give a *get* in a timely manner. A rabbi should never be out of compliance with the directives of a *bet din* with jurisdiction over his marriage. A rabbi should never withhold or threaten to withhold a *get* to obtain some advantage in the divorce.

III. Honesty

1. A resume submitted by a rabbi when applying for a pulpit, teaching, or other community service position or when being considered for membership in the Rabbinical Council of America, must be accurate, honest, and complete. Deliberately omitting pertinent information is unacceptable.
2. A rabbi must not claim expertise in an area without having received relevant training and experience. He must not misrepresent his expertise through, for example, exaggeration of experience or of mentorship with experts or leaders. A rabbi must not use affiliations with persons, associations, or institutions to imply a level of competency in Torah or other fields that he has not developed.
3. A rabbi must correct misperceptions of his qualifications.
4. A rabbi should take care, when endorsing, or making, a public statement, not to falsely claim (or create the appearance) that his endorsement or statement constitutes an endorsement by institutions or groups with which the rabbi is affiliated. When signing public statements without the official endorsement of the RCA or his institution, a rabbi may list his group or institutional affiliation, if the organization or his institution allows it, but must indicate that he uses the institution's name using such language as "for identification purposes only."

IV. Power

1. As a function of his position, training, expertise, teaching, and *halakhic* authority, a rabbi has power. The ability to recognize and use this power wisely is essential to fulfilling his obligations. This power expresses itself in an ability to influence the thoughts and actions of others. A rabbi must not abuse his power. A rabbi must maintain appropriate interpersonal boundaries between himself and his congregants, and responsibly use the power and authority of the rabbinate.
2. For an unmarried rabbi, romantic relationships with those with whom he serves as rabbi are subject to power imbalance and should be

avoided. This creates challenges for single rabbis, especially in small communities, and careful guidance the RCA Ethics Committee or of senior colleagues is necessary.

3. A rabbi must be particularly aware of the unique power dynamic in his relationship with a conversion candidate who, among other issues, has the sense that the ultimate conversion, or the future legitimacy of that conversion, are in the hands of the rabbi. Thus, for example, when a rabbi is serving as a teacher of a prospective convert or as a member of the *Bet Din* for a prospective convert, he must refrain from fundraising solicitations or other such requests from the prospective convert so as not to cause the candidate to feel that the conversion may be predicated on the response to these requests or that the rabbi is taking advantage of him or her.

V. Conflicts of Interest

1. A rabbi should avoid situations that might present a conflict of interest or even the appearance of a conflict of interest. He must not further his own personal, religious, political, or business interests by taking improper advantage of or manipulating anyone he serves as a rabbi.
2. The rabbi-congregant relationship is complicated and is fraught with potential conflicts of interest due to the rabbi's employment relationship as well as his social and personal relationships with congregants. A rabbi should remain aware of these potential conflicts and must maintain clear and appropriate boundaries.
3. If there is an unavoidable conflict of interest, a rabbi must disclose that conflict to all relevant parties and, where applicable, to the organizational leadership.
4. A rabbi's personal relationship with an individual can create a significant conflict of interest and he should take all reasonable measures to ensure that his rabbinic services are not inappropriately impacted or compromised.
5. When counseling a congregant, a rabbi is advised to be aware of the potential impact his advice may have on third parties.

6. Rabbis are often called in to resolve disputes and to give counsel or *hora'ah* to multiple parties within the same conflict. While it is the natural role of a rabbi to serve as mediator or arbitrator between disputing parties, a rabbi should be aware that such roles can often result in damaged relationships for parties who feel that the resolution is inequitable. Furthermore, such roles can easily create the appearance of favoritism. Consequently, when called upon to mediate a dispute, a rabbi should:
 - a. Ensure that all parties understand the nature and limitations of the rabbi's role.
 - b. Explain the parameters of confidentiality.
 - c. Disclose all potential conflicts of interest.
 - d. Be mindful of the possible consequences of taking sides in disputes between congregants.
 - e. Refrain from listening to one side of the dispute without the other party present.
 - f. Refer one or multiple parties to another rabbi should he be unable for ethical or practical reasons to serve.
 - g. Ensure from the start that parties will accept his ruling as binding.

VI. Counseling

1. A rabbi must not go beyond his competence in counseling situations and must refer congregants to professionals as appropriate.
2. While a rabbi should provide pastoral care during times of crisis or other circumstances requiring his short-term counseling, he must avoid entering long-term counseling relationships with congregants. A rabbi must provide referrals to agencies and professionals for congregants who need mental health or social services.
3. A rabbi must not serve as a long-term counselor for those he serves as rabbi even if he has clinical professional credentials.
4. A rabbi must educate himself concerning appropriate boundaries and must maintain clear boundaries with those he is counseling. He must refrain from manipulation, self-interest, and sexual misconduct, including touching, sexualized comments, and other sexual activity, consensual and non-consensual. A rabbi must neither ask questions concerning nor discuss matters of intimacy beyond what is necessary for the circumstance for which he is being consulted.

5. A rabbi assumes the full burden of responsibility for establishing and maintaining clear and appropriate boundaries in all relationships with congregants and students.
6. A rabbi should be aware of issues of counter-transference, i.e., his emotional reaction to and entanglement with someone whom he is counseling and should process those reactions with a senior colleague or mental health professional as necessary.
7. All meetings and counseling sessions must not be held at places and times that would tend to cause confusion about the nature of the relationship for the person being counseled. Special attention should be paid to the laws of *yichud* and *tzeni'ut*, extended to both men and women counselees, while at the same time maintaining privacy and confidentiality. A rabbi must not have one-on-one sessions when either no one else is present or in a place where it is unlikely that anyone else would walk in. Furthermore, a window should be placed in the door to the rabbi's office.
8. It is always better not to enter into counseling relationships with those who have become close friends.
9. A rabbi must be familiar with and comply with the laws of mandated reporting in the jurisdiction in which he lives.

VII. Dual/Multiple relationships

A rabbi lives, works, prays, and often teaches in the same community. Due to these roles, he is engaged in multiple relationships with his congregants. For example, he is, at the same time, a counselor, teacher, advisor, friend, and more. He works together with congregational leadership and volunteers. He may be involved with congregants in personal or financial matters. Multiple relationships make the interaction between a rabbi and a congregant complex and can complicate his relationship with the congregant. While often harmless, multiple relationships may develop in ways that compromise the rabbinic relationship and lead to undesirable consequences; they harbor the potential for confusion, misunderstanding, manipulation, and exploitation. Multiple relationships in and of themselves are not unethical per se; it is the exploitation of any resulting vulnerability that may result that is wrong.

1. When entering a multiple relationship, a rabbi must establish that all parties are aware of the possible conflicts and consequences that may arise from that relationship, and that no harm or exploitation come to the congregant. A rabbi must take all reasonable precautions to limit the adverse impact of any such relationship.
2. A rabbi may feel compromised or vulnerable due to the multiple relationships he has with a congregant. He should seek guidance from a senior colleague to help navigate or disengage from such a situation.

VIII. Harassment

1. A rabbi must avoid speaking *leshon ha-ra* and *rekhlut*, except as is required in order to prevent harm or to report abuse to appropriate authorities. He must always use considerate and diplomatic language in public discourse and must not engage in purely personal attacks in his criticism of the positions of others.
2. A rabbi must not engage in any form of unlawful harassment towards any employee, community member, vendor, or other person in the congregation including physical, psychological, sexual, written, or verbal harassment or intimidation.
3. Harassment encompasses a broad range of behaviors, including but not limited to physical or mental abuse; racial insults; derogatory slurs based on ethnicity, gender and sexual orientation; sarcasm and mockery; sexual advances or touching; sexual comments or jokes; requests for sexual favors; offensive and unwelcome physical contact of a sexual nature, including the touching of another's body; the touching or display of one's own body, or any similar contact; and display of offensive materials.
4. A rabbi must be aware and avoid taking advantage of the power differential that exists in the relationship he has with a congregant.

IX. Finances

1. A rabbi must be beyond reproach in his personal and institutional financial affairs. All legal requirements, including proper reporting of all income and ensuing payment of taxes, must be fulfilled.

A. Management of Commercial or Institutional Funds

1. Rabbis often exercise control over various parts of their organizations' finances, including discretionary funds, scholarship funds, endowments, and operating funds. The guiding principle in these matters is transparency. A rabbi should avoid being the sole signatory on accounts. In all cases, fund accounts should be reviewed having another appropriate party, also bound by confidentiality, review the distribution history.
2. In the case of discretionary funds, a rabbi should provide as much transparency as possible while at the same time maintaining confidentiality and protecting the dignity of recipients. This can be done by de-identifying the recipients in reports, preparing an executive summary of the distributions, or having another appropriate party, also bound by confidentiality, review the distribution history.
3. It is important to consult with an expert to ensure that discretionary funds are administered as required by local, state and federal laws. Further, it is important to avoid even the appearance of impropriety in all matters related to these funds.
4. When donations are collected for a particular purpose they should be used for that purpose. It is advisable to state in a gift acceptance letter that the Fund can change the purpose of the gift if necessary, or, when the original use is impossible or no longer needed, the donor must be consulted as to alternate uses of the funds.
5. A rabbi must keep timely and accurate records of all transactions of any funds under his control.
6. A rabbi should not encourage gifts larger than a person can afford. He should encourage donors to

seek thoughtful, considered and impartial advice about the financial implications of their charitable gifts.

B. Investments

1. A rabbi must understand that acting independently as an investment manager or decision maker for communal funds may lead to the perception of misconduct. The governing board or its designated committee must be involved in establishing an investment policy which sets out asset allocation procedures for investment decisions and asset protection.
2. A rabbi should give due consideration of donations that might significantly affect a donor's finances or relationship with other family members. A rabbi should reasonably attempt to establish that receiving such a gift will not put the rabbi or the institution or charity he represents in an ethically compromised position.

C. Personal Financial Conduct

1. A rabbi must conduct all his activities, including his personal finances, with integrity.
2. A rabbi must not abuse his position for improper financial gain. This includes, for example, seeking undue forgiveness of loans or other obligations or seeking financial favors from those he serves as rabbi. Financial obligations must be honored in a timely fashion.
3. When a rabbi engages with contractors, professionals, or business partners in the conduct of his personal interests, he should, in order to avoid potential conflict, conduct his affairs in a professional manner such as, for example, proper contracts or written agreements. Means of

resolution of disagreements through a Bet Din or an arbitrator should be spelled out from the beginning.

X. Honoraria

1. There are various customs with respect to rabbis receiving honoraria. A rabbi should follow the accepted practice in his congregation or community. The policy should be made known to the community.

XI. Commitments

1. A rabbi should honor the commitments he makes whether verbal or written, in the promise of services, and in business and financial transactions.
2. When conflicting commitments arise, such as conflicting weddings, the earlier commitment should generally receive priority.
3. When taking on additional activities or employment, a rabbi must ensure that he continues to fulfill his contractual obligations. A rabbi's employer must be informed before he undertakes additional activities that may impact on his ability to fulfill his primary responsibilities.

XII. Confidentiality

1. Nonpublic information of a personal nature about members of a congregation, school, or organization is confidential, and must not be disclosed except as required by Jewish, criminal or civil law.
2. A rabbi should clarify with a congregant or counselee whether the confidentiality of the matter is extended to the rabbi's wife as well.
3. Confidentiality is not absolute. It is waived when there is a legal requirement to report to civil authorities matters such as child abuse and the abuse of vulnerable adults, or a *halakhic* requirement to intervene to protect someone's safety.
4. If a third party is present during counseling, legal clergy privilege will likely be lost.

5. A rabbi must be discrete in responding to inquiries about potential *shiddukhim*. It is required, nevertheless, to disclose information that may be harmful to the other party.
6. A rabbi must learn the reporting requirements of the jurisdiction in which he lives.
7. If a rabbi is uncertain as to whether he must violate confidentiality he must seek guidance from appropriate experts such as mental health professionals, government agencies, lawyers, or senior rabbinic colleagues.
8. When a rabbi is aware of a colleague's professional misconduct or boundary violation, in many circumstances it is his responsibility to take appropriate corrective action. If he is unsure about what to do in a particular situation, he should consult the RCA Ethics Committee in order to determine his best course of action. In matters that mandate reporting, he should fulfill all legal requirements.
9. Public whistleblowing, whether on a personal blog or through the media, is an action of last resort. A rabbi should use other available channels of redress before making public statements. In no way is this to be construed as license to cover-up inappropriate or illegal behavior.

XIII. Rabbinic Relationships

- A. Relationships among rabbis within the same community
 1. Relationships among rabbis within the same community or institution, as well as with rabbis and movements outside of Orthodoxy, are to be respectful and reflect positively on the esteem for Torah in the community. A rabbi must conduct himself with dignity and respect even when disagreeing with his colleague. While arguments of substance have long been part of our tradition, purely personal attacks must be strictly avoided.
 2. Since disputes themselves are damaging to the reputation of rabbis and the rabbinate, to the well-being of the community, and to Torah itself, swift resolution of disagreements should be pursued. Thus, irresolvable issues between rabbis should be

presented to a mutually respected third party for assistance in resolution. If a solution remains elusive, the parties should go to a reputable Bet Din or consult with the Executive Vice President of the RCA or senior rabbinic colleague who may help to resolve the issues.

B. Relationships between Rabbis in Different Congregations or Organizations

1. A rabbi should use reasonable deference when engaging with the membership of the congregation or organization of another rabbi. He should not inappropriately grow his *kehillah* at the expense of another rabbi or *kehillah* (i.e., poach members).
2. When rabbinic services are provided by more than one rabbi, the rabbis should communicate with each other, especially in matters of officiating at events, visiting the sick, and soliciting of membership or money.
3. When a rabbi acts as a substitute for another rabbi, or is providing supplementary services in the same community, such as in the case of an outreach *kollel*, he should respect the congregant's primary and original relationship with his or her rabbi. This may require him to forgo providing pastoral counseling or officiating at a life cycle event that is usually the responsibility of the primary rabbi.
4. A visiting rabbi must receive permission from the congregation's rabbi before teaching or preaching to that congregation. In addition, a visiting rabbi should, as a matter of rabbinic courtesy, consult with the resident rabbi to determine the sensitive issues of which he should be aware and exercise discretion if he addresses those issues.

C. Retirement and Emeritus Issues

1. When a rabbi is contemplating retirement, he should give appropriate notice to his congregation to allow sufficient time for succession planning.
2. With the retirement of a rabbi, the title of *mara de'atra* passes to the new rabbi. Should a retired rabbi be asked a *halakhic*

question, as may happen from time to time, he should encourage the inquirer to consult with the new rabbi. If, nonetheless, his view is still sought, he should respond with respect for the new rabbi and with discretion, deferring to the new rabbi's positions in communal matters.

In a circumstance in which the retired rabbi disagrees with the current *mara de'atra* on a matter of significant *halakhic* or ethical practice, it is advisable for the retired rabbi to consult with a *posek* or senior colleague before taking a public position, giving careful consideration to the integrity of the rabbinate and communal cohesiveness.

3. A rabbi emeritus or retired rabbi should be afforded appropriate respect and honor, especially by the current rabbi and other rabbis in the community. Likewise, a retired rabbi should make every effort to assure a smooth transition and a welcoming relationship with his successor.

D. Assistant and Associate Rabbis and Rabbinic Interns

1. A rabbi must show respect to any assistant or associate rabbi or rabbinic intern, maintain appropriate boundaries, and ensure that an assistant's, associate's or intern's needs are understood and addressed.
2. A rabbi should be mindful of *ve-ahavta le-rei'akah kamokha* in providing opportunities and supervision that will benefit and enable the growth of an assistant or associate rabbi or rabbinic intern.
3. A senior rabbi must supervise the activities of any associate, assistant, or intern in order to ensure that he has proper training and guidance. This includes areas of *pesak Halakhah*, practical rabbinics, preaching and teaching, pastoral care, community service, and adherence to this Code.
4. An assistant rabbi, associate rabbi or rabbinic intern must show respect to the senior rabbi and other members of the rabbinic staff and respect and defer to the senior rabbi's position as *mara de'atra* in all matters including *pesak Halakhah*, pastoral care, and community policy.

XIV. Working with Youth

1. Working with youth requires extra vigilance and sensitivity in order to prevent possible abuse, and in order to protect a rabbi from false allegations. At all times, the highest levels of *tzeni'ut* and good judgment should be observed.
2. A rabbi should work with his congregation or institution to develop and adopt comprehensive policies that address the prevention of child abuse and outline institutional responses to allegations.
3. Some of the matters that these policies should address include:
 - a. Training of rabbi and all congregational employees and volunteers
 - b. Ratio of adults to children necessary at youth events
 - c. The physical layout of facilities including the need for cameras and windows
 - d. Appropriate touch
 - e. Appropriate forms of communication
4. At no time should a rabbi ask for secrecy on the part of a child.
5. More than one trained adult should be present when conducting youth programs.
6. Physical contact with youth must be nonsexual and appropriate, and never in private.
7. A rabbi must use respectful and appropriate speech, devoid of bullying and sexual innuendoes, when talking to youth.
8. A rabbi must use care and discretion when youth stay overnight in his family's home, and must take extraordinary care to prevent even the appearance of impropriety. There must always be at least two adults in a home in which youth are staying overnight.

XIV. Online Activity

The nature of online activity is always evolving and the platforms which are used often change. While the following paragraphs apply to platforms currently in use, they provide general principles that apply to all manners of evolving online activity and will be readdressed as needed as new challenges present themselves.

1. A rabbi must abide by all *halakhic* and ethical standards when using social media. A rabbi should work with his congregational or institutional leadership to develop and adopt policies that address appropriate use of social media. This includes refraining from:
 - a. *Leshon hara, rekhilus, and hotza'at shem ra.*
 - b. Revealing personal information acquired in the course of pastoral duties.
 - c. Disseminating dishonest, false or misleading information.
 - d. Making defamatory comments.
 - e. Using ethnic slurs, personal insults, obscenity.
 - f. Bullying and personal attacks.
2. A rabbi should treat all online postings and emails as public and permanent.
3. A rabbi should not assume an online pseudonym for deceptive, manipulative or self-serving purposes.
4. A rabbi may post anonymously only when it is customary in such platforms.
5. A rabbi should not plagiarize or violate any laws governing copyright and fair use.
6. A rabbi must be aware of the challenges that social media present. It is advisable for a rabbi to:
 - a. Limit access through use of privacy settings when using social media for personal purposes.
 - b. Edit and reflect on what he posts.
 - c. Ensure that using social media does not interfere with his religious, professional, and personal commitments.
 - d. Use great discretion when submitting "friend" requests to congregants, youth, or vulnerable adults with whom he works. Online relationships must be thoughtful, and in

- the best interest of congregants, youth, and vulnerable adults.
- e. Use a single Facebook account for both personal and professional purposes only if the content remains suitable for both, with careful attention to matters of privacy and maintaining healthy boundaries.
7. Youth may ask to be “friends,” or to subscribe to a rabbi’s communications and messaging. A rabbi should determine the appropriate level of contact he should maintain with youth, and consider whether parents should be consulted or informed, prior to responding to these requests who has full access to the rabbi’s posts.
 8. If a rabbi participates in an online group for children or youth, that group must include at least another unrelated adult.

Postscript

It is impossible for a document of this sort to be exhaustive in scope. In all matters, a rabbi must conduct himself not only in accordance with the letter of the law but with deference to the dignity of the rabbinate, the dignity of the people he serves and in light of the ideal, *ve-hayitem neki'im me-Hashem u-mei-Yisrael*. In all that he does, a rabbi should strive to rise to the level of being an exemplar of *Kiddush HaShem*, inspiring sanctification of God’s Name.