



AMERICAN CONFERENCE *of* CANTORS
Sacred music. Spiritual leadership. Jewish life.

ACC Code of Ethics

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INTRODUCTION

We, the members of the American Conference of Cantors, choose to uphold the highest moral values of our Jewish tradition. With the gravitas of our position, the traditions, integrity and virtues spanning thousands of years have been placed in our sacred care. In each generation, we seek to uphold the highest ethical behavior through our professional integrity, honorable social relationships, and personal choices.

It is our obligation to ensure that those we teach, counsel, and serve are treated with honor, as all are created in the image of God (*b'tzelem Elohim*). When we behave ethically and hold ourselves accountable, our respective places of worship and communities are safer, more welcoming and more sacred.

This document seeks:

- To define a standard of ethical behavior;
- To describe examples of unethical behavior; and
- To outline procedures when unethical behavior is determined.

Should we fail, we need to do *t'shuvah*: that is, to acknowledge the misconduct, ask for forgiveness, avoid repetition and make restitution, whenever possible

Therefore, in alignment with its Mission and Guiding Principles, the American Conference of Cantors ("ACC") establishes and adopts this revised Code of Ethics, requiring all members of the ACC to abide by it. Improprieties in any of the provisions of this Code will subject an ACC cantor to a review by the Committee on Ethics and Appeals ("CEA").

"ACC member" is defined as a cantor who is a member of the American Conference of Cantors.

"Congregation" is defined as a group of people who have come together for worship, study, prayer or communal gathering.

"Community" is defined as a group of people with a common characteristic or interest in sharing Reform Jewish values within a larger society, which may include one's synagogue, youth group, camp, or workplace.

"GTM" is defined as the Guild of Temple Musicians. The GTM is an affiliate of the ACC. In the event that a dual ACC/GTM member is under investigation regarding a Code of Ethics violation, the ACC Ethics document and procedures will take precedence.

"Staff member" is defined as an individual working for or retained by the ACC to provide services to the ACC and/or its members, including employees, consultants and volunteers.

PART ONE: ETHICS OF OUR CANTORS פרקי חזנים

STANDARDS OF BEHAVIOR

I. HOLINESS קדושה

Cantors must honor every moment as an opportunity for holiness. We will do everything in our power to uphold the highest standards of moral and ethical behavior in society, behaving at a level worthy of emulation, both in our professional and personal lives. Cantors must also be scrupulous in avoiding even the appearance of misconduct.

A. INCLUSIVITY AND RESPECT הכלה והערכה

The ACC welcomes all who wish to engage with our sacred community.

- We embrace everyone without regard to race, ancestry, place of origin, color, ethnic origin, citizenship, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability.
- We strive to make all ACC members and staff and/or all who participate in our respective communities feel a sense of belonging with the expectation that their ideas and concerns can be openly stated and responded to with respect.

ACC members will conduct themselves in an open and honest way, treating others with respect, dignity, and fairness in accordance with the Jewish value of *derech erez* (decency and respect).

The ACC is an organization that promotes responsibility, respect and civility, and Reform Jewish values in a safe working and learning environment. A positive climate exists for all when ACC members and staff feel safe, are included and accepted, and actively promote positive behaviors and interactions.

All ACC members have the right to be safe, and feel safe, in their respective communities. With this right comes the responsibility to contribute to a positive congregational and work climate. To that end, ACC members will:

- Conduct themselves with socially acceptable manners and common courtesy.
- Refrain from *lashon hara* (negative talk, derogatory speech, gossip, and slander) whether in-person or on social media.
- Encourage open discussion, while maintaining confidences.
- Express openness and willingness to engage with other ACC members and staff as well as our respective congregational communities and to support one another's work.
- Respect differences in people, their ideas and their opinions.
- Respect the rights of others.
- Treat one another with dignity and respect at all times; especially when there is disagreement.

- Take appropriate measures to help those in need.
- Employ empathy and sensitivity towards other people.

B. *HONESTY* יושר

The ACC expects all to conduct themselves with honesty. ACC members will:

- Promote open and honest communication that allows for addressing differences constructively.
- Represent accomplishments and achievements accurately.
- Recognize, respect and protect the intellectual property rights and comply with copyright laws governing the use and distribution of published materials.
- Make decisions regarding congregation-related matters with transparency, openness, and accountability, unless confidentiality dictates otherwise. For example, it is important to protect against the inadvertent and premature release of names of candidates for employment. This includes complying with placement guidelines of the ACC, Central Conference of American Rabbis (“CCAR”), and Association of Reform Jewish Educators (“ARJE”).
- Conduct all their personal and professional financial affairs with complete honesty and integrity. Financial impropriety includes, but is not limited to, embezzlement, nonpayment of just debts, inappropriate use of discretionary funds, tax evasion, and/or any other illegal monetary dealings. For example, ACC members will refrain from financial impropriety in decisions regarding restricted, committed, and discretionary funds.

ACC members are expected to follow rules relating to copyright, including JLicense.

C. *JUSTICE* קדש

The ACC values acting with integrity. ACC members will:

- Act in accordance with the ACC’s best interests when acting on its behalf.
- Refrain from using one’s congregational position for personal advantage or benefit. For example, they will refrain from hiring or firing, rewarding or punishing staff or volunteers, and awarding or denying contracts based solely on personal considerations, such as financial gain, favoritism, nepotism, or bribery.
- Conduct employment practices and related decision-making in an ethical and legal manner. ACC members will work diligently to comply with applicable policies and procedures of the ACC and their respective congregation as well as applicable federal, state, provincial and local standards for employment, occupational health and safety, and human rights.
- Respect and comply with all applicable federal, state, provincial and municipal laws. In the event that ACC members have reasonable grounds to believe that a criminal offense either has been or may be committed, they will arrange with the president

of their congregation, their supervisor, or employer to immediately contact appropriate law enforcement authorities.

D. CONFLICTS OF INTEREST ניגוד עניינים

ACC members should avoid conflicts of interest and the appearance of conflicts of interest. ACC members must conduct all congregational business in a manner that is morally, ethically, and fiscally of the highest order and can bear public scrutiny at all times.

Wherever possible, conduct should be based solely on the best interests of their respective congregation/workplace under applicable laws and regulations. Actions should not be influenced by personal considerations or the appearance of such factors.

For purposes of this Code of Ethics, a “conflict of interest” means one or more of the following scenarios:

- A transaction in which an ACC member or a close family member has a direct or indirect interest, financial, or otherwise, in the outcome of any transaction or matter involving their congregation.
- A situation in which an ACC member has a relationship with other parties that might reasonably be expected to affect the conduct of a congregant or in a manner inconsistent with their overriding duty to advance the interest of their congregation.

A potential conflict of interest can be difficult to discern. It may arise in settings beyond the obvious business relationship setting (e.g., the acceptance of gifts, honoraria, royalties, or using intellectual property that belongs to the ACC or relevant congregation). A cantor must make their supervisor/synagogue leader aware of any concerns about a real or perceived conflict of interest when the situation arises. If a cantor is in doubt about the existence of or potential for a conflict of interest, the cantor is encouraged to consult with the Chair of the Committee on Ethics and Appeals.

E. CONFIDENTIALITY סודיות

Within the exercise of pastoral care, the cantor shall maintain a relationship of trust by holding all sacred information revealed within the provisions of pastoral care confidential and in accordance with state/provincial privilege law. The nature and practice of Reform Judaism and its ethical legacy mandate that our religious conscience place highest priority on the needs of those who lack the legal, mental, or physical capacity to protect themselves. It is therefore required of ACC members to report suspected abuse of minors and incapacitated adults as soon as possible, even if the civil laws of the state or province do not require the cantor to do so, or even if those same laws might allow for avoidance on the grounds of clergy privilege.

If, during pastoral care, an individual discloses information to a cantor concerning suspected abuse of a minor child or incapacitated adult or indicating imminent danger,

including physical or psychological danger, to any person, the cantor is to take necessary steps to report such suspected abuse or danger to proper authorities, such as the appropriate congregation representative, police, or relevant children's aid society.

When in doubt about the obligations of cantors complying with their duty to report, a cantor is encouraged to consult with the Chair of the Committee on Ethics and Appeals to better understand the guidelines and its implementation. If there is a doubt about reporting issues or legal confidentiality in the jurisdiction where the cantor is located, the cantor is urged to seek legal counsel on those issues.

Confidentiality involves preserving information, especially as it pertains to personal or private information about ACC members, staff members, congregants, clergy, volunteers, the ACC itself, and/or the cantor's congregation. Among other things, personal health and financial information is confidential and should not be discussed or disclosed without permission. Even well-meaning disclosure of information revealed in confidence may have damaging results.

Care should be taken to ensure that confidential and/or privileged conversations are not overheard and that any documents containing confidential information are to be stored and protected to avoid inadvertent disclosure. Under certain circumstances, however, it may be necessary to share otherwise confidential information to avoid harm.

As special diligence is required for employment discussions, ACC members and staff shall:

- Protect "need-to-know" information to which we have access related to supporting professional roles in the congregation, including personnel information related to employment status, compensation, or performance management.
- Refrain from and discourage the seeking of employment-related information about others.
- Refrain from speculation about the personal situation of others in the cantor's congregation community (e.g., health, financial difficulty, marital problems).
- Refrain from sharing, even with family members, information obtained in confidence (e.g., in an *in-camera* session of a board meeting).
- Establish and strictly follow procedures when conducting personnel searches, including, in the case of clergy, guidance from their professional organizations (e.g. ACC or CCAR). It is especially important to prevent inadvertent and untimely release of candidate names and prior employment details.

There are inherent challenges in using the internet, email, social media, texting, and other electronic communications. ACC members should demonstrate respect, professionalism, and good judgment when using any such technology.

Special care must be taken to protect confidentiality when using social media (e.g., blogs, message boards, chat rooms, electronic newsletters, online forums, social networking sites, and other services that permit users to share written or image content).

Notwithstanding the above, ACC members who serve as U.S. military chaplains are entitled to the protections of privileged communication as set out under military rules of evidence (section 836 of title 10, U.S.C. (Reference (I)), applicable statutes, regulations, and service policies. The Department of Defense Instruction, effective as of April 21, 2009, establishes and implements counseling policies and identifies and assigns responsibilities for providing counseling support in accordance with the authority of DoD Directive 5124.02 (Reference (a)).

F. RESPECT כבוד

As cantors, Jewish leaders and pastoral guides, we are commanded to exemplify holiness through our work and our lives. We bear the greatest responsibility for ensuring that ethical and sexual boundaries are scrupulously respected in all our relationships. It is the responsibility of the ACC to uphold the sacred calling of the cantorate by creating just and appropriate responses to sexual misconduct.

As Cantors vested with real and symbolic religious authority, we have the responsibility to recognize the power differential inherent in our roles as cantors and that certain speech and conduct may be experienced or perceived as intimidating and/or abusive.

We need to keep in mind the vulnerability of those whom we teach, counsel, and serve, particularly during or after pastoral or lifecycle counseling. It is our responsibility to maintain appropriate boundaries in all situations and settings.

Any personal relationships that raise doubt for the cantor regarding ethical propriety ought to give the cantor serious pause and cause the cantor, at the very least, to seek moral counsel from colleagues and other professionals.

Cantors are expected to honor the sanctity and fidelity of personal relationships: their own and those of others. Any sexual activity that betrays those relationships or leads others to betray such relationships constitutes an ethical violation.

The ACC believes everyone entering congregational sacred space and the ACC workspace has the right to feel safe and respected, and that we are morally and ethically responsible for one another (*kol yisrael areivim zeh bazeh*).

- We do not tolerate sexual harassment, including unwelcome sexual advances, requests for sexual favors, and other verbal, physical, written, or visual conduct of a sexual nature.

- We do not tolerate acts or behaviors that exploit the vulnerability of another, take advantage of a power imbalance, compromise one's moral integrity, or create an intimidating, offensive, abusive, or hostile environment.
- We strive to protect those who appear to be the victims of abuse or neglect, including spousal abuse, child abuse, verbal abuse, physical abuse, and other types of domestic violence.

Sexual misconduct

Sexual misconduct by ACC members is a sin against human beings and a *chilul haShem* (profanation of God's name).

- An ACC member must not engage in any form of sexual misconduct, including but not limited to, all forms of sexual harassment, threats and intimidation, requests for sexual favors, and/or any unwelcome verbal, physical, or visual conduct of a sexual nature.
- An ACC member must not engage in any act or behavior, even if it appears to be consensual, which exploits the vulnerability of another, and compromises the moral integrity of the member.
- All ACC members are expected to honor the sanctity and fidelity of committed relationships, their own and those of others. An ACC member must not engage in any sexual activity that betrays those relationships, or leads others to betray such relationships.
- Any violation of this Code of Ethics in which a minor (person under the age of 18) is a victim is considered to be especially egregious and will not be tolerated. Punishment for violations against a minor will range from censure up to and including possible expulsion.

Other Abusive Conduct

An ACC member must not engage in other conduct which abuses or exploits others or themselves including, but not limited to, physical or emotional abuse and chemical or alcohol abuse.

Responsibility to Seek Help

As role models, ACC members have an affirmative responsibility to seek professional help for any need or tendency to exploit or abuse.

COMPASSION *חמלה*

The inherent right of all individuals to be treated with dignity and respect is central to the values and beliefs of the ACC. The ACC is committed to maintaining a sacred community which fosters mutual respect for the dignity and well-being of all ACC members and staff, congregants, lay leaders, clergy, students, and visitors. The ACC is committed to providing a working and learning environment that promotes positive behavior.

The ACC opposes bullying, including any unwanted behavior that degrades, humiliates, or oppresses another. Verbal or physical bullying or harassment, or cyberbullying are never acceptable.

Incidences of discrimination, harassment, bullying or cyberbullying are completely unacceptable and any such conduct by an ACC member would be a violation of this Code of Ethics.

Discrimination is the process of making unfair or prejudicial distinctions between people based on the groups, classes or other categories to which they belong or are perceived to belong, such as race, ancestry, place of origin, color, ethnic origin, citizenship, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability. Discrimination involves depriving members of one group of opportunities or privileges that are available to members of another group.

Harassment is defined as engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome.

Bullying is defined as aggressive and typically repeated behavior by an individual or group, where the behavior is intended to have the effect, or the individual(s) ought to know that the behavior would likely have the effect, of causing harm, fear or distress to another individual or creates a negative environment for another individual, and the behavior occurs in the context where there is a real or perceived power imbalance. Bullying can be a single incident or repeated conduct. It can be carried out by an individual or group of individuals.

Cyberbullying is the act of engaging in bullying behaviors through electronic means, such as social media platforms, e-mail, text, direct messaging, digital gaming, and/or communication applications.

G. *FAMILY משפחה*

We recognize that the demands of cantorial duties can sometimes conflict with family responsibilities. Valuing both, the cantor must balance the ethical obligations associated with our calling, on the one hand, with our own family on the other. On occasion, the needs of those we serve demand our primary attention. However, we must strive to conduct our

own lives in a manner such that our duty to family is not compromised or endangered by professional duties or relationships.

H. INTEGRITY **מוסר**

ACC members must maintain the integrity of their own credentials and never misrepresent their status or achievements.

The title “Cantor” must be used only by individuals who have graduated from a *bona fide* cantorial training institution as per the ACC policies and procedures or who graduated under the certification program of the Debbie Friedman School of Sacred Music of the Hebrew Union College – Jewish Institute of Religion. Cantorial interns must not use the title “Cantor” until they have successfully completed their course of study.

Cantors must not claim the work of others as their own. Adhering to the principle of *b’sheim omro* (saying or presenting something in the name of its creator or originator) demands that we not plagiarize, illegally copy, or otherwise take credit for the work of others.

ACC members who are candidates for a cantorial position must act in accordance with the placement procedures established by the Joint Cantorial Placement Commission (“JCPC”).

JCPC placement information obtained by ACC members—from whatever source—is considered to be confidential (“confidential placement information”). ACC members shall not share confidential placement information with any individual who is not a member of the ACC.

For purposes of this Rule, confidential placement information, includes without limitation:

- The “open placement list” except such information that is readily available to the public including, for example, rules and guidelines relating to the placement process; and
- The prohibition against sharing confidential placement information is not intended to prevent (i) an ACC member presently in JCPC placement from talking with immediate family members or advisors; (ii) the distribution of placement information to officers and/or members of Union for Reform Judaism (“URJ”), Hebrew Union College – Jewish Institute of Religion (“HUC-JIR”), ACC and/or JCPC who have been approved by JCPC to receive such information.

I. RELIABILITY **אמינות**

A cantor must fulfill all commitments made to colleagues, other professionals, or lay people to officiate at scheduled ceremonies and/or rituals. If it becomes impossible to fulfill such commitments, the cantor must first advise those involved of the need for a substitute, and then find a qualified substitute as soon as possible.

II. PROFESSIONAL RELATIONSHIPS

A. CANTOR AS PARTNER IN THE CLERGY AND PROFESSIONAL TEAM

Cantors must treat their cantorial and rabbinic colleagues, as well as other congregational staff, with *derekh erez* (human decency), supporting them in their work, encouraging their ideas, and observing the behavioral norms set out in the *Guidelines for Cantorial-Congregational Relationships*. Furthermore, they must avoid any conduct which is, or might be, interpreted as malicious or divisive. Cantors must take advantage of every opportunity to work as partners with rabbinic and cantorial colleagues, other synagogue professionals, and lay leadership to enhance the religious lives of members of their congregation.

Through regular meetings and communications, cantors shall keep their colleagues informed of their own work and issues in the congregation that may arise, as well as life cycle matters concerning individual families.

B. CANTOR AND ASSOCIATE / ASSISTANT CANTOR or CANTORIAL INTERN

Cantors must treat each other as trusting colleagues and work toward common objectives beneficial to their congregations.

- The senior Cantor must share duties and responsibilities with their cantorial colleagues in the congregation in ways which benefit the congregation and enhance opportunities for the less senior cantor's growth. To the extent possible, these duties must be worked out in advance by mutual agreement between the cantorial colleagues and the congregation. This agreement should provide for gradual expansion of responsibilities and experiences during the course of the associate's, assistant's, or intern's contract.
- Associate / Assistant Cantors and Cantorial Interns must be given opportunities to share in the decision-making process with the various synagogue professionals and to serve, whenever possible, as ex-officio members of the congregation's Board of Directors and other appropriate committees.

C. CANTORIAL SUCCESSOR

When a cantor nears the conclusion of their term of service with a congregation, they must respect the freedom of both the congregation and the candidates for the pulpit to enter into discussions that may lead to choosing a successor, and must not interfere in this process. The procedures of the JCPC must be followed as set out in the ACC governing documents.

D. CANTOR AND CANTOR EMERITUS

Emotional ties between cantor and congregation are strengthened with time, often continuing beyond the cantor's retirement. Still, the congregation's current cantor must be

vested with the authority and responsibility of guiding it forward, both musically and spiritually.

- The cantor emeritus must support their successor and help members of the congregation understand that the responsibilities and authority they once held are now transferred automatically and fully to the newly elected cantor. The emeritus must also encourage members of the congregation to accept the successor cantor with respect and courtesy. The emeritus must avoid being drawn, privately or publicly, into questions of congregational policy or other matters that may arise between the successor cantor and the congregation or individual congregants.
- Both the successor cantor and the cantor emeritus must accord each other honor and courtesy, thus maintaining the principle of *k'vod hachazan* (honoring a professional colleague). The successor cantor must respect the work and experience of their predecessor. The successor and the emeritus must maintain reciprocal and respectful communication on behalf of the congregants and the congregation overall.
- Only upon invitation from or approval by the successor cantor, the cantor emeritus may participate in officiating at synagogue worship services or life cycle events. When performing these functions, the emeritus must follow the norms of worship and ritual prevailing at the time, unless there is an agreement to do otherwise.
- The cantor emeritus must keep the successor informed of all congregational issues which may come to the attention of the emeritus. Furthermore, the emeritus must immediately inform the successor of any life cycle situations or events of which they become aware within the congregation including, but not limited to, illnesses, deaths, hospitalizations, engagements, marriages, and births. The emeritus may agree to officiate or co-officiate at such events only with the consent of the successor.
- A cantor emeritus or a cantor who has relocated to another colleague's congregation or geographic area, must not engage in activities which interfere with the incumbent cantor's leadership of or relationship with that congregation or community.
- When a cantor and congregation dissolve their relationship, and the cantor continues to maintain a residence in the same community, that cantor must conduct themselves as an emeritus in accordance with the guidelines enumerated above, even if they are not actually afforded the privileges and status of an emeritus.
- Notwithstanding the above, the cantor emeritus' status set out in a contract between the cantor and the congregation will take precedence.

E. CANTORS SERVING DIFFERENT CONGREGATIONS OR ORGANIZATIONS

Cantors must do all in their power to promote communal harmony among colleagues, members of their respective congregations, and congregations and organizations within the larger Jewish community.

- A cantor may occupy a colleague's pulpit, officiate in their synagogue, perform a life cycle event, and speak or sing at any function of the congregation or its auxiliary only at the invitation, or with the permission of, the incumbent cantor. It is the obligation of every cantor to inform their congregation and its members of this protocol.
- A cantor who is asked to officiate at a lifecycle event for someone not known to the cantor to be a member of their congregation must inquire whether the individual is a member of another congregation.
 - A cantor may agree to officiate for a member of another congregation only in consultation with the cantor of that congregation. In the event there is no cantor in that individual's congregation, the officiating cantor must consult with the appropriate leadership of that congregation.
 - In lifecycle situations in which members of a family belong to more than one congregation, the officiating cantor must urge the individuals involved to notify their own cantors of the impending lifecycle events and to invite their participation.
- A cantor must not offer and/or render such pastoral services to members of other congregations when it may be considered *hasagat g'vul* (trespassing) and harm the positive working relationships among colleagues and congregations.
- Solicitation for Membership
 - A cantor must not contact a member of another congregation for the purpose of soliciting them for membership in the cantor's own congregation.
 - A cantor must not contact a member of a congregation for which the cantor is not employed for the purpose of soliciting them for membership in their congregation. A Cantor must not contact any individual for the purpose of encouraging them to leave their current congregation.
 - A cantor must not sanction or permit others to engage in solicitation efforts that are proscribed in (a) and (b) above.
 - Exceptions may be made when a cantor is invited by a close friend or relative to advise them about congregational membership.
- A cantor must not seek to employ a member of another congregation's musical or professional staff, nor sanction such an effort, without first informing the cantor of that congregation. In the event the other congregation has no cantorial colleague, the cantor must inform the appropriate leadership of that congregation.
- In the event that a congregation wishes to retain the services of a contracted musician or choir member who is providing services at another congregation, it is recommended that the cantor/music director of such congregation be consulted.
- Cantors who occupy full-time pulpits should consider and be respectful of part-time cantors or cantors serving non-traditional pulpits, by offering them substitute work (i.e. services, teaching), where possible.
- When cantors disagree in public – whether with another cantor, clergy person, congregant, or lay leader - they must state the disagreement in terms of issues.

Cantors must avoid personal attacks. *Lashon hara* (malicious gossip) is not acceptable.

III. AVOIDANCE OF COMMERCIALISM

Cantors must avoid any actions that suggest the practice of commercialism that may denigrate the status of the cantorate.

A. FEES & HONORARIA

The congregational cantor is a professional member of the clergy committed to serving the congregation. The congregation, in turn, assumes responsibility for support of the physical and financial needs of the cantor and the cantor's family. Consequently, members of the congregation who have by their dues contributed to the cantor's support have a right to cantorial services in time of need for lifecycle rites and pastoral functions, provided that performance of such services shall not be in conflict with the convictions of that cantor, contractual agreements, or other scheduled commitments.

- A full-time cantor serving a congregation must not, under any circumstances, set a fee for officiating at lifecycle events for members of their own congregation.

B. PUBLICITY/ADVERTISING

- When publicizing or advertising cantorial services, a cantor must ensure that all communications related thereto be in good taste and in keeping with the dignity of the profession.
 - Publicizing or advertising cantorial services is compliant with this Rule if, by way of example, it includes:
 - The cantor's name and contact information;
 - A photograph of the cantor;
 - Factual biographical information including: academic credentials, congregational and/or professional affiliations (if applicable); and/or
 - A factual and objective listing of services offered by the cantor.
 - Publicizing or advertising cantorial services is not compliant with this Rule if, by way of example, it:
 - Directly or indirectly compares the cantor and/or the services offered by the cantor to another cantor, rabbi, religious professional, congregation, or group, and/or the services they offer;
 - Directly or indirectly denigrates the reputation of another cantor, rabbi, religious professional, congregation, or group;
 - Includes false or misleading information about the cantor or the services offered;
 - Violates federal, state, provincial, municipal laws or regulations, and/or any other applicable laws;

- Is directed or targeted to a specific individual or group (for example, direct mailings); or
 - Violates any other provision of the ACC Code of Ethics.
- The use of testimonials by a cantor for purposes of publicity or advertising is permitted only if the testimonials do not otherwise violate these Rules.
- The provisions of this Rule apply to all forms of publicity including, without limitation, print, sound recording, personal internet websites, and social networking sites. The provisions of this Rule cover all services for which a cantor may advertise, with allowances made for the listing of the price of a product (i.e. recordings, compositions, educational materials) and event admission fees.
- If a cantor or cantorial services are publicized/advertised by a third-party, the cantor who is the subject of the publicity shall use their best efforts to inform the third-party about, and urge the third-party to comply with, this publicity/advertising Rule. Under no circumstances may a cantor use a third-party to intentionally circumvent compliance with this Rule.

PART TWO: PROCEDURES תשובה

IV. POWERS AND PROCEDURES

In accordance with the ACC Constitution and By-Laws, the Committee on Ethics and Appeals shall make a thorough investigation of all written complaints of ethical violations and exercise appropriate disciplinary powers short of suspension or expulsion. The CEA shall have no jurisdiction to investigate unless and until a written complaint is submitted.

A. INQUIRIES

- An individual with concerns about the conduct of an ACC cantor may contact the Chair of the CEA or designee who will advise the individual about the ACC ethics process.
- A cantor may inquire to the Chair of the CEA or a designee who will advise the individual about the ACC's ethics process.
- A cantor may inquire to the Chair of the CEA or a designee concerning an ethical issue. Such inquiry does not constitute a self-report and therefore does not trigger the CEA's response to a reported ethical violation.

B. FILING A COMPLAINT

- Any person with reasonable grounds to suspect ethical misconduct, whether or not they are an alleged victim, shall submit a complaint in writing to the Chair of the CEA.¹
- There is no time limitation period barring a complainant from filing a complaint with the CEA or preventing the CEA from investigating such alleged violations. However, the age of an alleged violation and the cantor's conduct in the years since may be considered by the CEA in adjudicating the alleged violation and assessing the proper sanction.
- The Chair of the CEA, in consultation with the CEA, as needed, will decide in the first instance whether the complaint does not constitute a "complaint" under the Code and will not be accepted for further consideration. Examples of a concern that do not constitute a "complaint" under this Code would be one directed at a person who is not a current or living ACC member, or where the conduct of concern does not state a violation of the substantive provisions of the Code.
- Complaints must be written and should set out the specific details of the misconduct, including the names of the individuals involved.
- If the complainant is not ready to initiate a written complaint or wishes to withhold relevant information, the CEA may advise that the complaint will not be acted upon and may, in appropriate circumstances, ask that the person seek advice or assistance in deciding whether to go forward with the complaint.

¹ The duties of the Chair of the CEA under this Article and the following provisions may be delegated to another member or members of the CEA, at the discretion of the Chair.

- Self-report: A cantor may self-report an ethical violation. A self-report is treated as an admission of the facts that may constitute a violation of the Code. A self-report does not limit the ability of the CEA to investigate all relevant facts and circumstances and render a decision according to this Code of Ethics.
- The Chair or designee shall promptly send notice of the complaint to the ACC member who is the subject of the complaint and the complainant. This notice will include a copy of the complaint together with information about the investigatory and adjudicatory process. Notwithstanding the above, if the complaint alleges sexual misconduct, the Chair, at their discretion, may redact personal information sent with the notice.
- A cantor against whom a Code of Ethics complaint has been filed is prohibited from any contact with any parties to the complaint that may be reasonably construed as being coercive or intimidating. Failing to comply with this direction may constitute a failure to cooperate with the process. While the complaint is being processed, all other parties to the complaint, including the complainant and potential witnesses, shall refrain from any contact that could influence the outcome. In some cases, failing to comply with this direction could be deemed as adversely affecting the fairness of the process.
- Withdrawal of a Complaint: Prior to the appointment of a fact-gathering team or commencement of the fact-gathering process by the CEA, a complainant may request that their complaint be withdrawn. The CEA will grant or deny such request and take such other actions as may be warranted.

C. *INVESTIGATION*

- The Chair may establish a fact-gathering team to investigate the complaint.
 - In cases involving sexual misconduct, the fact-gathering team will be comprised of two cantors (one of whom is a member of the CEA) and a layperson.
 - The fact-gathering team shall conduct its investigation promptly and make a written report to the Chair with its findings and recommendations regarding the disposition of the complaint.
 - A summary of the fact-gathering team's report shall be provided to the ACC member and the complainant. These parties have the right to submit written responses to the Chair for consideration during the CEA's deliberations. Notwithstanding the above, if the complaint alleges sexual misconduct, the Chair, in their discretion, may, when appropriate, redact information sent with the summary.
- In the alternative, at any point in the investigation process, the Chair, in consultation with the CEA, a member of the ACC officer team and external legal counsel, may retain the services of an independent investigator to investigate the complaint.

- In cases involving sexual misconduct, the investigator will ensure that both the complainant, any witnesses and the ACC member shall have the opportunity to be interviewed in accordance with the principles of procedural fairness.
- The investigator shall conduct its investigation promptly and make a written report to the Chair with its findings and recommendations regarding the disposition of the complaint.
- A summary of the report shall be provided to the ACC member and the complainant. These parties have the right to submit written responses to the Chair for consideration during the CEA's deliberations. Notwithstanding the above, if the complaint alleges sexual misconduct, the Chair, at their discretion may, when appropriate, redact information sent with the summary.
- The CEA may suspend any investigation if it becomes aware of a criminal or civil proceeding related to the same allegations. Such investigation may be resumed after the resolution of the criminal and/or civil proceeding.
- If, during the course of an investigation, the CEA becomes aware of illegal or potentially illegal conduct by a cantor, the CEA may disclose that information to the appropriate authorities.

D. WHILE A COMPLAINT IS PENDING

- With the approval of the CEA, parties may agree to resolve the complaint without further action by the CEA. The CEA shall oversee the reconciliation process and ensure good faith negotiations and resolution.
- In cases in which the allegations, if deemed valid, raise the possibility of immediate harm to the congregation or other entity served by the cantor, the CEA Chair and/or the cantor shall notify the cantor's supervisor or congregational president of the complaint and pending investigation.
- In cases where there is a serious allegation that raises the possibility of immediate harm to the congregation or other entity against a cantor, the CEA Chair shall notify the ACC Director of Placement and recommend that placement be suspended for that cantor.
- Other than the situations stated above, the CEA shall not disseminate any information regarding a pending complaint to any source outside of the investigation, including the media, until a final determination has been made, unless legally compelled to do so.
- Notwithstanding any provision of this Code, members of the ACC and CEA shall comply with all federal, state, provincial, and/or local reporting requirements.
- If the cantor resigns from the ACC during the process of fact-gathering but prior to the conclusion of the adjudicatory process, they will be regarded as expelled. If they so choose, the colleague may petition the CEA for reinstatement to membership as a cantor under suspension, under Section G. Reinstatement is conditional upon the

resumption of the fact-gathering and adjudicatory process and the outcomes thereof.

E. REPRIMAND OR CENSURE

Reprimand

- Based on the facts and investigation, the CEA shall vote to dismiss the complaint, issue a reprimand or censure, or recommend suspension or expulsion of the cantor from the ACC.
- Once a decision has been reached by the CEA, the Chair will notify all parties as to the nature of the decision, the next steps in the process, and their right of appeal.
- The CEA shall keep a confidential record of the documents, investigation, and disposition of all complaints under this Code.
- Should the CEA vote to reprimand the cantor, the reprimand shall be in the form of an admonishment privately communicated to a cantor regarding their breach of the Code.
- Notice of reprimand will be recorded by the CEA, but is not reported to the ACC Placement Director or released to the ACC membership.

Censure

- Censure is a sanction imposed for violations of the Code more serious than those giving rise to reprimand, but not sufficient to require suspension.
- Should the CEA decide to censure the cantor, the order of censure shall incorporate such conditions or restrictions as the CEA may deem appropriate to protect those whom the cantor serves, to prevent recurrence of the violation, and to foster rehabilitation of the cantor.
- If the cantor fails to fulfill the conditions imposed in the order of censure, the CEA may recommend, among other remedies, that a notice of censure be published on the ACC website and/or that the cantor be suspended.

F. SUSPENSION OR EXPULSION

Suspension

The sanction of suspension is called for primarily in cases where:

- The cantor's conduct causes significant harm to the victim(s) or institutions involved; and/or
- The cantor fails to recognize the wrongfulness of what they have done and fails or refuses to take responsibility for their actions; and/or
- The cantor fails to meet the conditions of their censure; and/or
- The cantor refuses to cooperate in a CEA investigation of their conduct or otherwise violates Section H, Failure to Cooperate.

In cases warranting suspension, the CEA shall refer the case to the Executive Board of the ACC for determination.

If the ACC Executive Board votes in favor of suspension, the cantor must comply with the conditions of suspension in order to be reinstated to full membership. These conditions may include, but are not limited to, the cantor taking leave of their cantorial work until reinstatement.

Notice of suspension shall be published on the ACC website with reference to the specific provision of the Code of Ethics that has been violated. Notice of suspension shall also be sent to the ACC Director of Placement to be placed in the cantor's permanent file. The CEA shall report the decision to the president of the cantor's congregation or their supervisor or employer.

Unless the Executive Board directs otherwise, a cantor under suspension may not seek or accept cantorial employment or engage in the practice of the cantorate in any institution, including but not limited to, congregations affiliated with the URJ or the World Union of Progressive Judaism, or in institutions associated with the Reform Movement (including, but not limited to, the URJ and the HUC-JIR).

A cantor under suspension shall no longer enjoy the privileges of ACC membership, including but not limited to, serving in positions of leadership or participating in conferences, conventions, committees, or programs of the ACC and any of its regions.

Expulsion

The sanction of expulsion is reserved for the gravest offenses, repeated violations, failure to comply with conditions of censure or suspension, or willful violation of Section H, Failure to Cooperate.

In the event that the ACC Executive Board deems that expulsion is called for, the matter shall be referred to the ACC membership for vote at its regular annual meeting.

Due notice must be given to the ACC membership prior to the expulsion vote.

The cantor shall have full opportunity to defend themselves before the ACC membership, in accordance with the parliamentary rules adopted by the Conference.

Should the expulsion be ratified by the ACC membership, notice of expulsion shall be published on the ACC website and shall be sent to the ACC Director of Placement to be placed in the cantor's permanent file. The CEA shall report the decision to the president of the cantor's congregation or the cantor's supervisor or employer.

A colleague who has been expelled may petition the CEA to be readmitted to membership as a cantor under suspension, under Section F.

G. REINSTATEMENT

For a suspended cantor to be eligible for reinstatement to full membership, the CEA must certify that they have fulfilled the following requirements:

- Unequivocal acknowledgment of responsibility for harm done to the victim(s), congregation, ACC, and/or honor of the cantorate;
- An acceptable expression of remorse and contrition to those who have been harmed;
- Resolve never to repeat any offense of this nature;
- The making of restitution, which may include expenses incurred by the victim(s) and/or other appropriate actions as mandated by the CEA;
- Successful *Teshuvah* mentoring by at least two cantorial colleagues appointed by the CEA; and
- Successful completion of any other requirements and conditions related to the specific disciplinary action.

Once the cantor is reinstated to full membership, the Director of Placement shall be informed, and the cantor may make use of the ACC placement process. With the consent of the reinstated cantor, the ACC membership shall also be informed by publication on the ACC website.

H. FAILURE TO COOPERATE

“Failure to Cooperate” as used in this Code means to willfully refuse to participate in or to hinder or obstruct the ethics process including, but not limited to, intimidating an alleged victim, complainant, witness or person requested to provide information. The ACC and the cantors who lead and guide the ethics process expect that the cantor who is subject to the process will be in respectful communication with them and forthcoming in all matters. Further, it is expected that the complainant will comply with this Code and act in good faith in all respects.

It shall be a violation of this Code for a cantor who is or was the subject of a Code of Ethics complaint to retaliate against or threaten to retaliate against a complainant, witness or any other person who participates in or intends to participate in the Code of Ethics process.

If a cantor fails to cooperate with the CEA’s investigation, they are subject to reprimand or censure, or to a recommendation of suspension or expulsion from the ACC.

If a cantor fails to cooperate with CEA due to a concurrent legal process, the CEA may wait to adjudicate or impose sanctions until the legal process is completed.

I. RIGHT OF APPEAL

Both the cantor, who is the subject of a complaint, and the complainant shall have the right of appeal for determinations made by the CEA or the ACC Executive Board under this Code.

- The CEA's decision to dismiss a complaint or to issue a reprimand or censure may be appealed to the Officers of the ACC Executive Board.
- The CEA's decision to recommend suspension or expulsion will be referred to the ACC Executive Board for hearing and determination.
- The Executive Board's recommendation for expulsion will be referred to the ACC membership for a vote.

J. FILE RETENTION

Ethics Committee files shall be maintained for a period of at least seven years from the date the matter is concluded. Ethics Committee files that have been inactive and/or concluded for more than seven years will be maintained only in digital format and stored on a secured server. Upon the transfer of Ethics Committee files to the secured server, all other physical and/or other digital copies shall be destroyed.

The Chair of the CEA is the only person authorized to access Ethics Committee files kept on the secured server. Maintenance of CEA files to effectuate this Policy shall occur on a yearly basis.

For purposes of this Rule, "Ethics Committee files" shall mean any documents relating to a complaint, investigation, and/or other matter brought before the CEA relating to an alleged violation of the Code of Ethics.

K. ADOPTION HISTORY

Originally adopted by the membership of the American Conference of Cantors on June 27, 1995

- And amended June 28, 2011, Boston, Massachusetts
- And amended December 10, 2013, San Diego, California
- And amended April 15, 2016, Board Web Conference
- And amended February 26, 2024, ACC Executive Board Meeting, St. Louis, MO
- And restated June 10, 2024 by the ACC Membership