

American Conference of Cantors CODE OF ETHICS

*Adopted by the membership of the ACC
June 27, 1995*

*And amended June 28, 2011
Boston, Massachusetts*

INTRODUCTION

As Jewish religious leaders and role models, cantors are called upon to exemplify and abide by Judaism's highest moral and ethical ideals. Should any of us fail, we are obligated by Jewish tradition to do *t'shuvah*: that is, to acknowledge the misconduct, ask for forgiveness, make restitution whenever possible, and avoid repetition of misconduct.

Therefore, in alignment with its Mission and Guiding Principles, the American Conference of Cantors establishes the following 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.

PART ONE: STANDARDS OF BEHAVIOR

I. PERSONAL RESPONSIBILITY

Cantors must do everything in our power to uphold the highest standards of moral behavior in our 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. BALANCING PROFESSIONAL AND PERSONAL RESPONSIBILITIES

Congregational duties sometimes compete with a cantor's personal or family responsibilities. Valuing both, the cantor must make every effort to find the proper balance, so that neither is neglected. The Jewish commitment to *sh'lo'om bayit* must be applied equally in the congregation and in the home.

B. SOCIAL RESPONSIBILITY

As cantors, Jewish leaders, and pastoral guides, vested with real and symbolic religious authority, we have the responsibility to adhere to an exemplary moral code and to recognize the vulnerability of those whom we teach, counsel, and serve. It is our obligation to ensure that boundaries are scrupulously respected in all social situations and settings and in all our relationships with the men, women, and young people who turn to us in trust. Any relationship which raises doubts as to its ethical propriety, or which a cantor wishes to keep clandestine, ought to give the cantor serious pause and motivate him/her, at the very least, to seek moral counsel.

1. Sexual Misconduct and Harassment

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

- a. A cantor must not engage in any form of sexual misconduct, including but not limited to, all forms of sexual harassment and intimidation, requests for sexual favors, and any unwelcome verbal, physical, or visual conduct of a sexual nature.
- b. A cantor 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 cantor.
- c. Cantors are also expected to honor the sanctity and fidelity of committed relationships, their own and those of others. A cantor must not engage in any sexual activity that betrays those relationships, or leads others to betray like relationships.

2. Other Abusive Conduct

Cantors 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.

3. Responsibility to Seek Help

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

C. FINANCIAL RESPONSIBILITY

Cantors must conduct all of their personal and professional financial affairs with complete honesty and ethical integrity. Financial impropriety includes, but is not limited to, embezzlement, nonpayment of just debts, inappropriate use of discretionary funds, tax evasion, and any other illegal monetary dealings.

D. PROFESSIONAL INTEGRITY

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

1. The title "cantor" must be used only by individuals who have graduated from a bona fide cantorial training institution or have been certified by the Certification Committee of the ACC/School of Sacred Music. Cantorial interns must not use the title "cantor" until they have successfully completed the Certification process.
2. 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 or illegally copy the work of others.

E. CANTORIAL COMMITMENTS

A cantor must fulfill all commitments made to colleagues or lay people to officiate at scheduled ceremonies and/or rituals. In the event that it becomes impossible to fulfill such commitments, the cantor must first advise those involved of the planned substitution, 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 eretz* (human decency), supporting them in their work, encouraging their ideas, and observing the behavioral norms set forth in the *Guidelines for Cantorial-Congregational Relationships*. Furthermore, they must avoid any actions which are, or might be, interpreted as malicious or divisive. Cantors must take advantage of every opportunity to work as partners with rabbinic and cantorial colleagues and other synagogue professionals 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.

1. The senior cantor must share duties and responsibilities with his/her cantorial colleagues in the congregation in ways which enhance opportunities for 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.
2. 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

ACC members who are candidates for a cantorial position must act in accordance with the *Placement Procedures* established by the Joint Cantorial Placement Commission. When a cantor nears the conclusion of his/her term of service with a congregation, he/she 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.

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, musically and spiritually.

1. The cantor emeritus must support his/her successor and help members of the congregation understand that the responsibilities and authority she/he 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.
2. Both the successor cantor and the cantor emeritus must accord each other honor and courtesy, thus maintaining the principle of *k'vod haḥazan* (honoring a professional colleague). The successor cantor must respect the work and experience of his/her predecessor. The successor and the emeritus must maintain reciprocal and respectful communication.
3. The cantor emeritus will have a standing invitation to sit on the bimah at public worship services and at a place of honor at significant occasions in the life of the congregation. The wishes of the emeritus to do otherwise should be respected.

4. When invited 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.
5. 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 s/he becomes aware of 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.
6. 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.
7. Both the successor cantor and cantor emeritus are mutually responsible for the well-being of the other and their respective families. This responsibility extends to a surviving spouse.
8. When a cantor and congregation dissolve their relationship, and the cantor continues to maintain a residence in the same community, that cantor must conduct himself/herself as an emeritus in accordance with the guidelines enumerated above, whether or not he/she is actually afforded the privileges and status of an emeritus.

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.

1. A cantor may occupy a colleague's pulpit, officiate in her/his 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 his/her congregation and its members of this protocol.
2. A cantor who is asked to officiate at a lifecycle event must inquire whether the individual is a member of another congregation.
 - a. 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.
 - b. 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.
3. 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.
4. Solicitation for Membership
 - a. A cantor must not contact a member of another congregation for the purpose of soliciting him/her for membership in the cantor's own congregation.
 - b. A cantor must not contact a member of his/her own congregation (or another congregation) for the purpose of soliciting him/her for membership in another congregation.
 - c. A cantor must not sanction or permit others to engage in solicitation efforts that are proscribed in (a) and (b) above.

- d. Exceptions may be made when a cantor is invited by a close friend or relative to advise him/her with regard to congregational membership.
5. A cantor must not seek to employ a member of another congregation's musical or professional staff, nor sanction such an effort, without 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.
6. When cantors disagree in public, they must state the disagreement in terms of issues. Cantors must avoid personal attack. *L'shon hara* (malicious gossip) is equally unacceptable.

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.

1. A full-time cantor must not, under any circumstances, set a fee for officiating at lifecycle events on behalf of members of his/her congregation.
2. A cantor serving a congregation on a part-time basis may agree upon specific remuneration arrangements with his/her own congregation for officiating at lifecycle events on behalf of its members.
3. Cantors have no professional obligation to the unaffiliated and may reasonably expect an honorarium for these services, so long as it is not excessive.
4. Cantors not currently serving a congregation (full-time or part-time) may charge a reasonable fee for professional services that they are permitted to perform under this Code.
5. Cantors engaging in the *mitzvah* of instructing prospective Jews-by-choice and/or officiating at the ceremony of *geirut* (conversion) must not solicit or charge a fee for these services.

B. PUBLICITY/ADVERTISING

1. 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.
 - a. Publicizing or advertising Cantorial services is compliant with this Rule if, by way of example, it includes:
 - i. the Cantor's name and contact information;
 - ii. a photograph of the Cantor;
 - iii. factual biographical information including: academic credentials, congregational and/or professional affiliations (if applicable); and/or
 - iv. a factual and objective listing of services offered by the Cantor.
 - b. Publicizing or advertising Cantorial services is not compliant with this Rule if, by way of example, it:
 - i. sets out costs or fees for the services offered;
 - ii. directly or indirectly compares the Cantor and/or the services offered by the Cantor to another Cantor, Rabbi, religious professional, congregation, or group, or the services they offer;
 - iii. directly or indirectly denigrates the reputation of another Cantor, Rabbi,

- religious professional, congregation, or group;
 - iv. includes false or misleading information about the Cantor or the services offered;
 - v. violates federal/state/municipal laws or regulations, and/or any other applicable rules;
 - vi. is directed or targeted to a specific individual or group (for example, direct mailings); or
 - vii. violates any other provision of the ACC Code of Ethics.
 - c. The use of testimonials by a Cantor for purposes of publicity or advertising is permitted only if the testimonials do not otherwise violate Section 1(b) of this Rule.
- 2. 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.
- 3. If a Cantor or Cantorial services are publicized/advertized by a third-party, the Cantor who is the subject of the publicity shall use his/her 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

IV. POWERS AND PROCEDURES

In accordance with the ACC Constitution and By-Laws,¹ the Committee on Ethics and Appeals (CEA) shall make a thorough investigation of all complaints of ethical violations and exercise disciplinary powers short of suspension or expulsion.

A. FILING A COMPLAINT

1. Anyone with knowledge of ethical misconduct, whether or not he/she is an alleged victim, shall submit a complaint in writing to the Chair of the CEA.²
2. There is no 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 shall be taken into account in adjudicating the alleged violation.
3. The Chair shall promptly send notice of the complaint to the cantor who is the subject of the complaint, the complainant, and the alleged victim(s) if the complainant is a third party. This notice will include a copy of the complaint together with information about the investigatory and adjudicatory process.

B. INVESTIGATION

1. The Chair will establish a fact gathering team to investigate the complaint.
 - a. 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.
2. 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.

¹ See, in particular, ACC Bylaws, Article VIII, Sections 2-5.

² 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.

3. A copy of the fact gathering team's report shall be provided to the cantor, the alleged victim(s), and the third-party complainant (if appropriate). These parties have the right to submit written responses to the Chair for consideration during the CEA's deliberations.

C. WHILE A COMPLAINT IS PENDING

1. 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.
2. 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 him/herself shall notify cantor's supervisor or congregational president of the complaint and pending investigation.
3. In cases where a serious accusation is pending against a cantor, the Chair may notify the ACC Director of Placement and recommend that, pending the outcome of the case, placement be suspended for that cantor.
4. 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.
5. Notwithstanding any provision of this Code, members of the ACC and CEA shall comply with all legal reporting requirements.
6. If the cantor resigns from the ACC during the process of fact gathering but prior to the conclusion of the adjudicatory process, he/she will be regarded as expelled. If he/she so chooses, the colleague may petition the CEA for readmission to membership as a cantor under suspension, under Section E.1. Readmission is conditional upon the resumption of the fact gathering and adjudicatory process and the outcomes thereof.

D. DISMISSAL, REPRIMAND, OR CENSURE

1. The CEA shall vote to dismiss the complaint, issue a reprimand or censure, or recommend suspension or expulsion of the cantor from the ACC.
2. 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.
3. The CEA shall keep a confidential record of the filing, investigation, and disposition of all complaints under this Code.

4. Reprimand

- a. Should the CEA vote to reprimand the cantor, that reprimand shall be in the form of an admonishment privately communicated to a cantor regarding his/her minor infraction of the Code.
- b. Notice of reprimand is recorded by the CEA, but is not reported to the ACC Placement Director or published to the ACC membership.

5. Censure

- a. Censure is a sanction imposed for violations of the Code more serious than those giving rise to reprimand, but not sufficient to require suspension.
- b. 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.

- c. 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 in the ACC *Koleinu* and/or that the cantor be suspended.

E. SUSPENSION OR EXPULSION

1. Suspension

- a. The sanction of suspension is called for primarily in cases where:
 - 1) The cantor's conduct causes significant harm to the victim(s) or institutions involved; and/or
 - 2) The cantor fails to recognize the wrongfulness of what he/she has done and to take responsibility for his/her actions; and/or
 - 3) The cantor fails to meet the conditions of his/her censure; and/or
 - 4) The cantor refuses to cooperate in a CEA investigation of his/her conduct or otherwise violates Section G, Failure to Cooperate.
- b. In cases warranting suspension, the CEA shall refer the case to the Executive Board of the ACC for determination.
- c. 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 his/her cantorial work until reinstatement.
- d. Notice of suspension shall be published in the ACC *Koleinu* 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 his/her supervisor or employer.
- e. 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 Union for Reform Judaism or the World Union of Progressive Judaism, or in institutions associated with the Reform Movement (including, but not limited to, the URJ and the Hebrew Union College-Jewish Institute of Religion).
- f. 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.

2. Expulsion

- a. 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 G, Failure to Cooperate.
- b. In cases warranting suspension, the CEA shall refer the case to the Executive Board of the ACC for determination.
- c. 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.
- d. Due notice must be given to the ACC membership prior to the expulsion vote.
- e. The cantor shall have full opportunity to defend him/herself before the ACC membership, in accordance with the parliamentary rules adopted by the Conference.

- f. Should the expulsion be ratified by the ACC membership, notice of expulsion shall be published in the ACC *Koleinu* 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.
- g. A colleague who has been expelled may petition the CEA to be readmitted to membership as a cantor under suspension, under Section E.1.

F. REINSTATEMENT

1. For a suspended cantor to be eligible for reinstatement to full membership, the CEA must certify that he/she has fulfilled the following requirements:
 - a. Unequivocal acknowledgment of responsibility for harm done to victim(s), the congregation or institution and the honor of the cantorate, with specific violations and actions acknowledged;
 - b. An acceptable expression of remorse to those who have been harmed;
 - c. A resolve never to repeat any offense of this nature;
 - d. The making of restitution which may include expenses incurred by the victim(s) and/or other appropriate actions as mandated by the CEA;
 - e. Successful *Teshuvah* mentoring by at least two cantorial colleagues appointed by the CEA; and
 - f. Successful completion of any other requirements and conditions related to the specific disciplinary action.
2. Once the cantor is reinstated to full membership, the Director of Placement shall be so 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 in the ACC *Koleinu*.

G. FAILURE TO COOPERATE

1. If a cantor fails to cooperate with the CEA's investigation, he/she is subject to reprimand or censure, or to a recommendation of suspension or expulsion from the ACC.
2. 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.

H. 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.

1. 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.
2. The CEA's decision to recommend suspension or expulsion is automatically referred to the ACC Executive Board for hearing and determination.
3. The Executive Board's recommendation for expulsion is automatically referred to the ACC membership for vote.

***As Adopted June 27, 1995
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