

## **NATA Code of Ethics**

*Drafted December 2016 by the Ethics Task Force of the National Association for Temple Administration with adaptations from the CCAR, ACC and URJ ethics codes. Approved December 2016 by the NATA Board of Trustees.*

As members and employees of the National Association for Temple Administration (NATA), we hold ourselves to the highest standards of personal and professional integrity, moral conscience, and social responsibility. This Code of Ethics is intended to provide a support mechanism that articulates the expectations and standards for ethical behavior for NATA members and staff and will provide the structures and processes necessary to implement and enforce the Code. We believe that delineating what is expected of us and identifying where ethical challenges may arise will strengthen us as individuals, and thereby strengthen our profession.

We pledge ourselves to be scrupulous in our adherence to this Code of Ethics, and to hold ourselves and our colleagues to the highest standards. At the same time, we seek to balance the principles of *midat hadin* (principle of justice) and *midat harachamim* (principle of compassion).

What follows is a living document that will be regularly updated and revised in the light of experience, to guide our conduct in serving NATA and our organizations.

### **Introduction**

*Who is wise? One who learns from everybody;  
Who is a hero? One who conquers his or her passions;  
Who is rich? One who is satisfied with his or her lot;  
Who is honored? One who honors his or her fellow human beings.  
-- Tractate Avot, Chapter 4, Mishnah A*

Leaders frequently have characteristics that embody wisdom, strength, wealth, and honor.

Wisdom is a frame of mind and an openness to learn that transcends formal education and study. Strength and heroics relate to self-control rather than control of others. Riches are not only defined by monetary wealth or related to one's possessions, but rather they are centered on self-satisfaction. Honor is not measured by the opinions of others, but how a person honors humanity. All of us have something to gain from this humble approach to life.

The role of a synagogue professional is both demanding and rewarding. Along with managing the administrative, logistical, and financial operations of a synagogue, it also involves serving the congregation in the fulfillment of its sacred mission. This trust and responsibility calls for us to make many decisions, oftentimes with ethical and religious ramifications. The teaching above provides a framework for us to ethically fulfill these responsibilities. Therein, the decision becomes not only about what our constituencies expect of us, but also about what we expect of ourselves.

Balancing the necessities and aspirations of making difficult ethical decisions can be less complex when guided by the moral teachings of our faith, local and Federal law, Generally Accepted Accounting Policies (GAAP), synagogue policies, and clearly defined employee handbooks - among other resources. Our clergy and lay leadership can be valuable partners in decision making.

This Code of Ethics is meant to guide NATA members and NATA employees in managing the daily decisions that we encounter in our professional work.

## **Part 1: Code of Ethics**

### **I. Personal Responsibility**

*I am responsible for any damage caused by my charge. Mishnah, Baba Kamma 1:2*

**Personal Responsibility.** Ethical people accept responsibility for their decisions.

*Mark the person of Integrity and behold the upright. Psalm 37:37*

**Integrity.** Integrity implies consistency in word, action, and conviction.

As professionals in our organizations and as volunteers with NATA, we are obligated to conduct ourselves at all times according to the highest standards of moral behavior in our society. This means behaving at a level worthy of emulation and avoiding the appearance of impropriety, in both our professional and personal lives.

#### **A. Personal Integrity**

NATA members are encouraged to:

- Serve as role models in our personal and professional lives.
- Be true to our word - truthful in communications and conduct.
- Conduct relationships in an open and honest manner and treat others with dignity and fairness.

NATA members are expected:

- Not to participate in anything illegal.
- Not to act in an abusive manner toward others.
- Not to engage in sexual misconduct.

## **B. Professional Integrity**

As NATA members we are expected to behave in a manner that brings credit to the profession, the congregation, and the community. This includes, but is not limited to:

- Conducting all 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 restricted funds, tax evasion, and any other illegal monetary dealings.
- Representing accomplishments and achievements accurately.
- Considering the impact of personally accepting gifts from congregants, vendors, volunteers or others, adhering to existing laws, temple gift policies and conflict of interest policies on such matters, and being mindful of perceptions that may be inadvertently generated.
- Refraining from hiring or firing, rewarding or punishing, and awarding or denying contracts based on personal considerations, including but not limited to, favoritism, nepotism, or bribery.

NATA members also have a responsibility to:

- Establish and enforce the appropriate procedures to protect the assets of the congregation.
- Stay informed of and provide accurate information on issues, practices, policies, rules, regulations and laws that govern our work, professional, and volunteer activities. We must always strive to implement these in a forthright, fair, and equitable manner.
- Report unethical or illegal conduct to appropriate internal and/or external authorities.
- Recognize, respect, and protect the intellectual property rights and contributions of others. This includes complying with copyright laws that govern how published materials are used and distributed.

## **C. Life Balance & Personal Care**

Our roles within our organizations include taking care of others on many levels. We encourage NATA members to take care of themselves and recognize we have a responsibility to stay attuned to our own physical, mental, emotional, and spiritual health. As leaders, we strive to set an example and establish procedures that respect a good life-work balance for ourselves and our employees, fostering an atmosphere that promotes respect and mutual support.

NATA members also have a personal responsibility to be aware of warning signs in our behavior and moods that could indicate conditions detrimental to our health; inappropriate use of controlled substances or misuse of prescription drugs are examples. If such misuse is recognized or pointed out, we have a responsibility to immediately seek help.

## **D. Social & Public Persona**

As leaders of religious institutions, we are held to a high standard of conduct. We are the faces of our organizations both inside and outside of the workplace and may be subject to heightened public scrutiny in our lives. We must be aware that our behavior outside of work, which may seem private, could be seen as impacting not just our own reputation, but the reputation of our organizations. As such, our actions must be guided accordingly.

A positive reputation is one of the most difficult assets to establish and one of the easiest to lose. This includes our presence on social media. We need to be mindful of when our personal postings could be misconstrued as representing the views of the synagogue or another organization, and we should refrain from communications that are inappropriate (e.g., obscene content and defamatory statements).

## **II. Personal Boundaries & Harassment**

As leaders, it is our obligation to ensure that personal and sexual boundaries are scrupulously respected in all situations, settings, and relationships. It is also our responsibility to respond appropriately to allegations or discovery of such actions by others.

NATA members should never:

- Use their position or authority to intimidate, bully or unduly influence others or allow other congregation employees or lay leaders to do so.
- Engage in any act or behavior, even if it appears to be consensual, which exploits the vulnerability of another, compromises one's moral integrity, or creates an intimidating, offensive, or hostile work environment.

### **A. Bullying**

Bullying is unwanted, aggressive behavior, whether a single act or a series of incidents repeated over time. It can include: verbal behavior such as making threats, inappropriate sexual or other comments, and taunting; social misconduct like spreading rumors and exclusion; or physical behavior that involves harming a person's body or possessions; or cyberbullying which involves similar conduct using electronic media. Bullying often involves a real or perceived power imbalance, such as using physical strength or access to embarrassing information, a position in an organization, or popularity to control or harm others.

## **B. Sexual Harassment & Misconduct**

Sexual harassment is unethical and includes but is not limited to unwelcome sexual advances, unwelcome requests for sexual favors, and other unwelcome verbal, physical, or visual conduct of a sexual nature when:

1. Submission to such conduct is made, either explicitly or implicitly, as a term or condition of an individual's employment or standing as a volunteer.
2. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting the individual or decisions concerning volunteer assignments, whether or not such decisions have direct economic consequences.
3. Such conduct has the purpose or effect, intentionally or unintentionally, of unreasonably interfering with an individual's work or volunteer performance or creating an intimidating, hostile or offensive working environment.

The following categories of behavior are, by definition, unethical and never acceptable:

- Child sexual abuse.
- Sexual activity with a person who is legally incompetent or otherwise unable to give consent.
- Physical assaults or violence, or any attempt to commit such acts.
- Unwanted and intentional physical conduct.
- Possession or sharing of pornographic or sexually explicit material.
- Unwelcome and inappropriate sexual activities, advances, comments, bullying, electronic communications, , stalking or invasion of privacy.
- Direct or implied threats that submission to sexual advances will be a condition of employment, promotion or affiliation with the organization.

## **C. Reporting Abuse**

We operate on the Jewish value of 'Don't stand idly by' (Leviticus 19:16).

We have an ethical responsibility to protect victims of abuse or neglect when we are made aware of such circumstances inside and outside of the workplace. While reporting is generally not mandatory for abuse that occurs outside of the workplace, other than in circumstances involving abuse of a minor, anyone with a professional obligation to report circumstances of abuse or neglect must follow his or her applicable professional guidelines and laws. It is up to each individual to determine whether or not to report such matters and to seek appropriate professional guidance when necessary. We strenuously encourage NATA members to take appropriate action on all reasonable concerns of abuse or neglect.

### **III. Inclusion & Discrimination**

NATA members must understand and appreciate diversity, including honoring and respecting differences in people and their beliefs. We have a responsibility to establish a work environment with policies that promote respect for all in our organizations and community regardless of:

Ancestry, age (over 40), disability (mental or physical, including HIV and AIDS), genetic information, gender, gender identity or gender expression, marital status, medical condition (genetic characteristics, cancer or a record or history of cancer), military or veteran status, national origin, race, religion, sex (including pregnancy, childbirth, breastfeeding and/or related medical conditions), or sexual orientation.

### **IV. Confidentiality & Privacy**

Confidentiality and privacy are among the most important principles in NATA as they enable us to most effectively help our leaders, congregants, and colleagues. Confidentiality involves the preservation of information, especially as it pertains to personal or private information about a synagogue member, employee, volunteer, colleague, or other organization.

Personal and financial information is confidential and should not be discussed or disclosed without permission. Care should be taken to ensure that confidential conversations are not overheard and that any documents containing confidential information are not left in the open or inadvertently shared.

Under certain circumstances, it may be necessary to break confidentiality in order to avoid harm.

There are inherent challenges in using the internet, email, social media, Yammer, texting, etc. NATA members should demonstrate professionalism and good judgment when using any such technology. Special care must be taken to protect confidentiality when using social media, including but not limited to blogs, message boards, chat rooms, electronic newsletters, online forums, social networking sites and other sites and services that permit users to share information with others.

### **V. Conflicts of Interest**

NATA members should avoid conflicts of interest and the appearance of a conflict of interest. Wherever possible, conduct should be based solely on the best interests of NATA and/or one's employer in accordance with applicable laws and regulations. Actions should not be influenced by personal considerations or the appearance of such factors.

For our purposes, a conflict of interest means one or more of the following:

- 1) A transaction in which a NATA member or a close family member has a direct or indirect interest, financial or otherwise, in the outcome of any transaction or matter involving NATA or his or her organization.
- 2) Considerations or competing interests exist, real or perceived, other than the best interests of NATA or the NATA member's organization.
- 3) A situation in which a NATA member has a relationship with other parties which might reasonably be expected to affect the conduct of the individual in a manner inconsistent with the overriding duty he or she has to advance the interest of NATA or the NATA member's organization.

While acting on behalf of NATA or their organizations, NATA members should not:

- Divulge or release proprietary or confidential information concerning the organization, its deliberations, or its members without the prior approval of the organization's leadership.
- Obtain personal advantage or benefit due to his or her NATA or temple position.
- Use NATA or their organization's property or resources for personal benefit.

A potential conflict of interest can be difficult to discern. It may arise in a variety of settings beyond the obvious business relationship setting. Examples are: the acceptance of gifts, honoraria, royalties, and using the intellectual property that belongs to NATA, one's organization or another's. We have a responsibility to consult others about any real or potential conflicts and help one another resolve any such conflicts.

### **A. NATA Conflicts**

It is expected that NATA members will evaluate potential conflicts of interest regarding any issue being considered by the NATA leadership. In the event it is determined that a conflict of interest exists or there would appear to be a conflict of interest to a reasonable person, it is incumbent upon the NATA member to inform the NATA President and disclose all the material facts concerning the actual or potential conflict.

Follow-up actions, such as refraining from participation in discussions or not voting, would then be determined based on NATA's Conflict of Interest policy.

If the NATA leadership becomes aware of a conflict of interest, real or perceived involving a NATA member, NATA leadership shall bring it to the attention of the individual and the NATA protocol will be followed.

## **VI. Whistleblower Protection**

NATA promotes compliance with the NATA Code of Ethics, employer policies and procedures, and applicable laws and regulations by encouraging and enabling NATA members to raise serious concerns about such violations.

As leaders of religious and educational institutions, NATA members must be aware of and comply with their duty to report certain cases of suspected, actual, or potential violations of law, regulations, policies, procedures, or codes, and comply with laws and regulations requiring such protections. NATA members must also be aware of and comply with their obligations to protect individuals against retaliation for reporting such violations.

In addition, there may be times when NATA members become aware of situations which appear to violate or potentially violate the NATA Code of Ethics. NATA members must balance the responsibility of reporting suspected serious violations and avoiding personal scrutiny of an individual's activities.

### **A. Serious Violations**

NATA shall have an open door policy for internal reporting of serious violations or suspected serious violations of the NATA Code of Ethics. Matters that should be reported under this policy include but are not limited to actual or suspected:

- a. Abuse, neglect, or harassment
- b. Fraud, waste and abuse
- c. Theft or misuse of assets
- d. Harassment of or improper retaliation against a person
- e. Discrimination issues
- f. Breaches of confidential information
- h. Undisclosed conflicts of interest

NATA is committed to promptly investigate any reported violations and requires NATA members to assist in such investigations upon request.

### **B. Non-Retaliation**

NATA will take no adverse action or other retaliation against any individual who in good faith reports a suspected violation of the NATA Code of Ethics or assists in an investigation. NATA members shall not harass, take adverse action against, or engage in any other form of retaliation against any person who makes a good faith report of a violation or suspected violation of law, regulations, policy, or procedure of the NATA Code of Ethics. This policy applies to good faith



internal and external reports to outside agencies with jurisdiction over the matter reported. This protection does not apply to anyone who deliberately makes a false accusation of a violation or suspected violation.

### **C. Reporting and Investigating Complaints or Allegations**

Complaints or allegations may be made via the online form on the NATA website [www.natanet.org](http://www.natanet.org) or directed to any of the following:

- Chair of the NATA Ethics Committee
- NATA Board President
- NATA Executive Director

The Chair of the NATA Ethics Committee is responsible for overseeing investigations and resolution of all reported complaints and allegations concerning violations of the NATA Code of Ethics and will advise the NATA Board President and Executive Director of such matters as appropriate. Confidentiality will be maintained throughout any investigation to the extent reasonable and practicable under the circumstances, and consistent with appropriate investigative and corrective action.

See Implementation Structures and Process for more details.

## **VII. NATA Member Support for Ethical Issues**

NATA members are encouraged to contact the NATA Executive Director or Member Support when faced with an ethical issue either related to NATA or to their own organization. The NATA member may be referred to a NATA Ethics Committee member and will be available to offer support in assessing the issues.

## **Part 2: Implementation Structures and Procedures**

*Approved May 2017 by the NATA Board of Trustees.*

Effective implementation of the NATA Code of Ethics (Code) involves three related but distinct functions, all of which are within the province of the NATA Ethics Committee (NEC):

1. Recommend ongoing ethics related education for NATA members, employees, and stakeholders affected by the Code.
2. Receive and investigate complaints, and adjudicate or recommend adjudication actions.
3. Periodically recommend revisions to the Code reflecting the lessons derived from experience with it.

### **VIII. Adjudicating Ethical Violations**

All NATA members and employees, as well as URJ management, congregational presidents, and affiliate organization leadership shall be informed of the NATA Code of Ethics, including implementation structures and procedures.

Anyone approached about a complaint should respond with sensitivity and compassion, and should withhold judgment as to the guilt or innocence of all parties. Any complainant or potential complainant should be informed that NATA has a complaint procedure which can be obtained on the NATA website ([www.natanet.org](http://www.natanet.org)) or by contacting the NATA Executive Director.

#### **A. Role and Structure of the NATA Ethics Committee**

The NEC shall address and may investigate and adjudicate (issue a formal judgment for) ethics complaints brought against members or employees of NATA.

The NEC is composed of three or five members: a Chair, who shall be a NATA officer, and two or four NATA members (a majority of the NEC must be Board members). The NATA Board President (hereafter referred to as NATA President) shall serve as an ex-officio member of the NEC, who shall not have a vote nor shall count towards the Board majority. The NEC is responsible for carrying out the three functions described above: recommending ethics education, investigating/adjudicating complaints, and recommending revisions to the Code.

The NEC may execute some of these responsibilities through subcommittees or task forces. To insure prompt and thorough responses to complaints, the NEC shall ensure the establishment of a group of trained volunteers and professionals who will be available to serve on fact-gathering teams to conduct investigations. The NEC and fact-gathering teams may seek input from legal counsel and other professionals as appropriate. When a team is needed, the NEC Chair shall appoint a team, usually comprised of not more than three people, at least one of whom shall be a member of the NEC.

## **B. Filing a Complaint and Self-Reporting**

1. Who May Report. NATA has an open-door policy for internal reporting of violations or suspected violations. A complaint may be filed by anyone with knowledge of ethical misconduct or perceived misconduct, whether or not the complainant is the affected party and whether or not the complainant is a NATA member.

2. Parties. Parties to the complaint (collectively the Parties) include:

a. Complainant:

i. Affected Party as Complainant: person(s) filing the claim, who alleges themselves or the entity they represent has been wronged by a violation of the Code.

ii. Alternate Complainant: person filing the claim who alleges a third party person or entity has been wronged by a violation of the Code.

b. Affected Party: person and/or entity that is believed to have been wronged or affected by the alleged violation. This may or may not be the person making the complaint.

c. Respondent: person who is the subject of the complaint and accused of violating the Code.

3. Reportable Matters. The NATA Code of Ethics is intended to be a support mechanism that articulates the expectations and standards for ethical behavior for NATA members and employees. Some provisions of the code are mandatory, while some are aspirational and strongly encouraged rather than required (e.g. work-life balance). Matters that should be reported under this policy include, but are not limited to, actual or suspected:

- a. Abuse, neglect, or harassment
- b. Fraud or waste
- c. Theft or misuse of NATA or synagogue assets
- d. Harassment of or improper retaliation against a person
- e. Discrimination issues
- f. Criminal acts/violations of law
- g. Breaches of confidential information
- h. Undisclosed conflicts of interest

For the investigation process to begin, a complaint must be submitted in writing to the NEC Chair, and must include the names of all parties involved, as well as specific details of the alleged misconduct. See the Ethics Complaint form at [www.natanet.org](http://www.natanet.org). Complaints may be filed anonymously, but the NEC will not open an investigation with respect to claims that lack sufficient specificity or verifiable information.

If the complainant has contacted the NEC Chair, a member of the NEC, a NATA officer, or the NATA Executive Director, but is not ready to initiate a written complaint or wishes to withhold relevant facts, the NEC Chair may designate an appropriate party to advise the complainant. In addition, if the complainant is not willing to initiate a written complaint or wishes to withhold relevant facts, the NEC Chair may, with the consent of two NEC members, independently

initiate an investigation of the matter reported by preparing a complaint signed by the NEC Chair.

4. Self-Reporting. Any NATA member or employee who believes that s/he has engaged in unethical conduct is permitted and encouraged to self-report that fact to the NEC Chair. Such a self-report does not preclude the NEC from further investigation and adjudication under the Code.

5. No Limitation. There is no limitation period barring a complainant from filing a complaint with NATA or preventing NATA from investigating and/or adjudicating alleged violations. However, the age of an alleged violation and the respondent's conduct in the years since, may be considered in adjudicating the alleged violation.

6. Cooperation & Nonretaliation. NATA is committed to promptly investigating any reported violations and requires all members and employees to cooperate with any NEC requests to assist in such investigations. Harassment or taking adverse action affecting the employment of any NATA employee who makes a good faith report of unethical conduct under the NATA Code of Ethics is itself unethical conduct and a violation of the NATA Code of Ethics. Good faith reporters and participants in any part of the complaint and investigation process should expect to endure no form of retaliation for their participation.

### **C. Confidentiality**

Complaints and investigations concerning alleged or suspected violations of the Code of Ethics, and information relating thereto, will be kept confidential to the extent possible, consistent with the need to conduct an adequate and timely investigation and to prevent imminent harm. Other than in the circumstances below, information related to complaints and the parties involved shall be held in confidence. No one shall disseminate any information regarding the existence of a complaint or the facts and circumstances relating to such matters, except as necessary to conduct a fair, adequate and timely investigation, or to prevent imminent and substantial harm to affected persons, NATA or the community.

No member of the NEC or other person involved in the investigation or made aware of the complaint shall disseminate any information regarding a pending complaint to any source outside of the investigation, including the media, except in circumstances where notification is authorized by this policy or unless legally compelled to do so.

### **D. Preliminary Review of Complaint**

When a complaint is filed, the NEC Chair shall immediately inform the NATA President and Executive Director. With their counsel, and with extreme discretion, others may be notified (see section E below). Copies of the complaint will be shared with the NEC as soon as feasible. If deemed necessary by the NEC Chair, copies of and/or information about any complaint may be withheld from any of the foregoing individuals if the complaint concerns any of the foregoing individuals.

The NEC will conduct a preliminary assessment of the complaint to determine if it falls within the purview of the NEC and sets forth a Code violation to be investigated by the NEC.

If the NEC concludes it does not, then the NEC Chair, or his or her designee, shall notify Complainant of the decision or discuss the finding with the Complainant to determine if there is additional information that would make the complaint actionable. Depending on the results of this conversation, the complaint will either be dismissed or the complaint will be advanced to the Investigation/Fact Finding stage.

#### **E. Notice to Others**

Notice to others will be dependent upon the specific circumstances and the parties involved, but will generally be decided using the following considerations:

Possibility of immediate harm: In cases in which the allegations, if deemed potentially valid, raise the possibility of imminent and substantial harm, the NATA President, in consultation with the NEC Chair, may take such action as s/he deems appropriate. This includes, but is not limited to, notifying others of the complaint or suspending an employee's employment or a member's participation in NATA and/or NATA activities.

Law enforcement or other reporting requirements: The NEC Chair, NEC members, NATA President, and Executive Director shall comply with all legal requirements. Legal obligations will supersede any procedures set forth in these provisions.

Notification to affiliates: If the subject of the complaint is a member of another URJ professional or other affiliate organization, and depending on the nature of the complaint and degree to which there is validation, the NEC may elect to notify the organization and coordinate with the other organization.

#### **F. Notice to Parties to the Complaint & Request for Response**

Notice to Parties: The NEC Chair will promptly acknowledge receipt of a complaint. The NEC Chair shall have the discretion, in consultation with the NEC, to appropriately manage the written and verbal communication with the Parties to assure transparency as well as to support and to be aware of the value of protection of reputation of all involved.

Response to Affected Party as Complainant or Alternate Complainant: The NEC Chair shall promptly respond in writing (electronic and postal mail) to the complainant, acknowledging receipt of the complaint. In the same communication or as soon as appropriate, the NEC Chair will outline the process of investigation and inquire whether the affected party(ies) has access to adequate support services. If necessary, the NEC Chair will suggest support options or contacts.

Notice of the Complaint to the Affected Party if not Complainant.

The NEC Chair may send written notice of the complaint, providing a copy of the complaint together with information about the pending investigation to the affected party(ies), if the

complainant is a third party. The NEC Chair may verbally communicate with the affected party(ies) as appropriate.

Notice of the Complaint to the Respondent (person who is the subject of the complaint).

In most cases, the NEC Chair will promptly send written notice of the complaint, providing a summary or copy of the complaint, as appropriate, together with information about the pending investigation, to the Respondent. The NEC Chair shall also indicate the provision(s) of the Ethics Code that will be the initial focus of the NEC's examination of the matter. The NEC Chair may verbally communicate as appropriate with the parties, provided that discussions are sufficiently documented for the recordkeeping.

Other Considerations.

- If the complaint was made by someone other than the affected person, the NEC Chair may wait until contact is made with the affected party, before notifying the Respondent.
- In some cases, including but not limited to whistleblower circumstances or financial misappropriation, the NEC Chair, in consultation with the NATA President and legal counsel, may elect to initiate an investigation prior to notifying the Respondent of the complaint.
- In most circumstances, the Respondent will be asked to provide a written response to the complaint and to affirm, explain or deny the alleged violation of the Code. The respondent will be asked to reply in writing to the NEC within two weeks.
- A copy of the response will ordinarily not be sent to the affected party(ies) except in situations where the NEC Chair finds that disclosure of the response would significantly advance the investigation. The response will not be sent to the alternate complainant, unless the NEC by majority vote, decides that doing so will significantly advance the investigation.
- If the response from the Respondent is sent to the affected party(ies), the NEC Chair may afford the affected party an opportunity to submit a reply, if that would significantly advance the investigation.

## **G. Investigation / Fact Gathering**

1. NEC Response. Following its preliminary review, the NEC shall respond to the complaint as follows:

a. No Code Violation: If after reviewing the complaint and response, the NEC establishes that no violation occurred, the case will be closed and no further proceedings are necessary.

b. Code Violation: No Further Investigation. If the complaint and response establish a violation of the Code of Ethics and no further investigation is required (for example, the Respondent admits the allegations are true and no additional information is required), the NEC may proceed with adjudication. Alternatively, with the approval of the NEC, the Parties may agree to resolve the complaint without further action by the NEC. The NEC shall oversee the reconciliation process and ensure good faith negotiations and resolution.

In both of the above circumstances, the NEC Chair will give prompt notice of a voluntary resolution or determination of no misconduct to any person previously notified of the filing of the Complaint.

c. Potential Code Violation, Establishment of a Fact Gathering Team: Other than in circumstances indicated above, the Chair shall promptly establish a fact gathering team to investigate the complaint, and will provide team members with a copy of the complaint and the responses.

2. Procedures for fact gathering process:

a. In order to determine whether there is a factual basis for the complaint, the fact gathering team may meet separately with each of the Parties involved in the complaint. At its discretion, the fact gathering team may meet with or seek information from additional individuals, including legal counsel, with the prior approval of the NEC Chair.

b. Any person meeting with the fact gathering team may be accompanied by up to two other persons.

c. The fact gathering team will maintain accurate minutes and records of all meetings, whether in person, via telephone or video conference, and all relevant materials.

3. Recommendation by fact gathering team: As soon as possible after concluding its investigation, the fact gathering team will issue in writing its findings and, if appropriate, recommendation of remedial actions and/or sanctions to the NEC Chair.

4. Process for reviewing the fact gathering team's report:

a. The NEC Chair will review the report and may suggest changes or request additional information from the fact gathering team before distribution to the NEC and parties involved.

b. A copy of the report will be sent to the NEC. The NEC may also request that the fact gathering team gather more information before rendering a decision. Any member of the

NEC with an actual or potential conflict of interest shall inform the NEC Chair of the conflict and it may be cause for the member to be recused from the case.

c. A copy of the report, or version thereof as necessary and appropriate, will be provided to the respondent and affected party(ies) and if the NEC Chair finds it would be appropriate, to the alternate complainant. Any one of them may respond in writing within two weeks. Copies of reports provided under this provision will have any recommendations for remedial action and/or sanctions redacted prior to delivery the parties.

d. Prior to coming to a final judgment, the NEC will afford the parties involved, separate opportunities to present their cases to and/or respond to questions from the NEC. At the discretion of the NEC, the session may be held in-person or by video conference. All parties shall be informed of a request by any party for this meeting with the NEC.

## **H. Decision of the NEC and Sanctions**

The decision of the NEC shall be in writing and clearly set forth the rationale upon which it is based including the applicable section(s) of the Code of Ethics. In each case the NEC shall keep a record of all aspects of the case including correspondence, complaints, responses, interview notes and other information. The decision should also include the date of the vote, the vote count, and the members of the NEC who participated in the vote. All decisions must be made with all members of the NEC participating and voting.

The following are the possible outcomes of the adjudicatory process:

### **1. Dismissal of the Complaint**

a. No Violation. If the information reviewed establishes that no violation of the Code of Ethics occurred, or that there was a reasonable justification for the violation, the complaint will be dismissed. A decision dismissing the complaint on its merits is final and not reviewable. However, the affected party(ies) or complainant may, within 30 days of the NEC's decision, petition the NEC for a review of its decision on the grounds that significant evidence was overlooked or was discovered after the decision. The NEC has the discretionary authority to grant or deny the petition.

b. Confidentiality. If the complaint is dismissed, the respondent may request that the dismissal be made public. Absent such a request, the complaint, investigation, and outcome will remain confidential.

c. Unfounded Allegations. If the fact that a complaint for a violation of the Code of Ethics was filed has become public through no fault of the respondent, and, after fact gathering and decision by the NEC, the complaint is considered to be without validity, the NEC should remain mindful of the potential damage to the respondent's reputation and position caused by the publication of an invalid complaint. If requested by respondent and deemed necessary by the NEC in light of all the circumstances, the NEC may take appropriate steps to help restore the respondent's good name and stature. If the



NEC finds that the initial complaint was made with malicious or vindictive intent, the NEC shall lend moral and practical support to the respondent's reasonable demands for apology from the complainant and vindication before NATA.

## 2. If a Violation is Found

If the information reviewed establishes that a violation of the Code of Ethics has occurred, depending on the severity of the violation and other attendant circumstances, the NEC must make a determination of the appropriate response. This determination is made on a case-specific basis and with the goals of remediation and professional development. In cases of more serious violations of the Code of Ethics, the NEC may or may not elect to impose sanctions on the respondent. Possible sanctions include, but are not limited to, reprimand and censure or recommendation to the NATA Officers the suspension or dismissal of respondent from the respondent's position within NATA or from participation in NATA activities, or in the gravest of circumstances, expulsion from membership in NATA. The NEC shall communicate the decision to the respondent, the affected person(s) and, where the NEC finds it appropriate, to the complainant.

- a. Remedial Action. The ultimate goal of the Code is to help NATA members be stronger professionals. Any responsive action to a finding of a Code violation should focus on remediation and professional development, where possible. Remedial actions may include, but are not limited to: forms of *teshuva*, respondent apology, restitution, skill development, therapy, and mentoring.
- b. Reprimand.
  - i. Reprimand is a form of admonishment communicated to the respondent regarding the respondent's minor infraction of the Code.
  - ii. Reprimand requires the affirmative vote of at least two-thirds (2/3) of those NEC members voting.
  - iii. Notice of reprimand is not published.
  - iv. A decision imposing reprimand based on the merits is final and not reviewable. However, any party may, within 30 days of the decision, petition the NEC for a rehearing on the ground that significant evidence was overlooked or was discovered after the decision. The NEC has the discretionary authority to grant or deny the petition.
- c. Censure.
  - i. Censure is a form of sanction imposed for violations of the Code more serious than those giving rise to reprimand, but not sufficient to require suspension or dismissal.
  - ii. Censure requires the affirmative vote of at least two-thirds (2/3) of those NEC members voting.
  - iii. An order of censure shall incorporate such conditions or restrictions, including provisions for monitoring compliance, as the NEC may deem appropriate to protect those whom we serve and to prevent recurrence of the violation.
  - iv. If the respondent fails to fulfill the conditions imposed, the NEC may, among other remedies, recommend to the NATA Officers that the

respondent be suspended or dismissed from all NATA activities or employment.

- v. A decision of censure based on the merits is final and not reviewable. However, within 30 days of the decision, the respondent may petition the NEC requesting that it review its decision based on the grounds that significant evidence was overlooked or was discovered after the decision. The NEC has the discretionary authority to grant or deny the petition.
- vi. Notice of censure may be published on NATA's website including a reference to the provision of the Code of Ethics that has been violated. The NEC shall report the decision to the NATA President and Executive Director. The NATA President may, in her/his discretion require more extensive notification as s/he deems necessary in the public interest. Notice of censure shall be placed in the respondent's employment file or NATA member records.

d. Suspension or Dismissal from NATA.

- i. Depending on the severity of the violation and other attendant circumstances, the NEC may recommend suspension for a stated time period or dismissal of the respondent from NATA employment and/or membership.
- ii. The sanction of suspension or dismissal is called for in cases involving the gravest offenses, repeated violations, failure to comply with the NEC, conditions of censure, or willful failure to cooperate. For example in cases where:
  - 1. The respondent's conduct causes significant harm to the affected person(s) or institutions involved, and/or
  - 2. The respondent fails to recognize the wrongfulness of what (s)he has done, and to take responsibility for those actions, and/or
  - 3. The respondent has been censured and refuses to fulfill conditions of censure.
- iii. A NEC decision recommending suspension or dismissal requires the affirmative vote of at least two-thirds (2/3) of those NEC members participating and voting and such recommendation shall be referred to the Officers for approval. The Officers may respond to the NEC recommendation as follows: (a) accept the recommendation or, (b) by the affirmative vote of at least 2/3 of its members voting: (1) dismiss the charge, or (2) modify the sanctions imposed, or (3) direct the NEC to permit the respondent to submit additional evidence. If new evidence is submitted by the respondent, the NEC shall review its decision in light of the new evidence.
- iv. Notice of suspension or dismissal may be published on NATA's website including a reference to the provision of the Code of Ethics that has been violated. The NEC shall report the decision to the NATA President and Executive Director. The NATA President may, in her/his discretion require more extensive notification as s/he deems necessary in the public

interest. Notice of suspension or dismissal shall be placed in the respondent's employment file or NATA member records.

e. Reinstatement.

- i. An individual who has been suspended for a stated time period may apply to the NEC for reinstatement once the requisite time has passed based on a showing that the person has acknowledged and repented for the misconduct, followed through with requested remediation, not resumed the misconduct, and established through the passage of time and the person's behavior that the chance of a recurrence is virtually nonexistent. An individual who has been dismissed from NATA membership may apply to the NEC for reinstatement after the passage of at least three years based on the same showing that a suspended individual must make. The NEC shall conduct whatever investigation and gather whatever evidence it deems necessary to decide whether reinstatement to NATA membership eligibility is appropriate.
- ii. A NEC decision recommending reinstatement requires the affirmative vote of at least two-thirds (2/3) of those NEC members participating and voting.
- iii. The NEC decision to reject an application for reinstatement may be appealed by the respondent and is subject to review by the Executive Committee, which may affirm or reject the NEC's decision.
- iv. Notice of reinstatement may be published on NATA's website including a reference to the provision of the Code of Ethics that has been violated. The NEC shall report the decision to the NATA President and Executive Director. The NATA President may, in her/his discretion require more extensive notification as s/he deems necessary in the public interest. Notice of reinstatement shall be placed in the respondent's employment file or NATA member records.

f. Failure to cooperate.

- i. All parties are expected to cooperate with the NEC throughout the process of investigation and adjudication. Failure to cooperate may be taken into account in deciding whether and how to proceed and determining sanctions, if any.
- ii. If the respondent fails to cooperate with NEC due to a concurrent legal process, the NEC may wait to adjudicate or impose sanctions until the legal process is completed.
- iii. If the respondent resigns from NATA employment or membership during the process of fact gathering but prior to the adjudicatory process, the respondent will be regarded as dismissed and must apply for reinstatement to serve NATA in accordance with paragraph II.B.2.d above. Reinstatement may be conditional upon the resumption of the process of fact gathering and the adjudicatory process.

g. Additional Notification Concerns.

- i. Information communicated in writing to the Board shall include at least the following:

1. The fact that the individual was censured, suspended, or dismissed on a particular date.
  2. The general category and nature of the violation, and whether it involved children or minors.
  3. Either (1) the fact that the respondent is not eligible for reinstatement to serve NATA, or (2) the date of reinstatement by the NEC, or (3) the fact that the process is still ongoing but that the individual has been made eligible to participate in NATA.
- ii. A written statement from the NEC affirming that the respondent who has been censured or dismissed has now been reinstated should be retained in the files of:
1. The NEC Chair
  2. The NATA President
  3. Executive Director

## **IX. Code of Ethics Review & Revision**

Review and revision of the NATA Code of Ethics is a recurring responsibility of the NEC. It is completed to ensure currency and relevance, and enhance the accuracy and comprehensiveness, of the Code and Implementation procedures. Modifications to the Code may be proposed by any NATA member to the NEC. The NEC is responsible for recommending revisions to the Code for approval by the NATA Board of Directors.