

Yachad/National Jewish Council for Disabilities



YACHAD

BECAUSE EVERYONE BELONGS

**CONDUCT, POLICY, AND
BEHAVIORAL STANDARDS
MANUAL**

Authored

May 2013

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CONDUCT, POLICY, AND BEHAVIORAL STANDARDS MANUAL

Yachad/NJCD is a global organization dedicated to the *Inclusion* of all Jews with disabilities in every aspect of Jewish life. Yachad/NJCD activities provide our members with opportunities for personal growth and enriched lives. The inclusive design gives our special population their rightful place within the Jewish community, while helping to educate our community about our members' abilities and strengths.

Yachad/NJCD and the Orthodox Union strive to create an environment in which Yachad/NJCD members and families, volunteers (lay leaders and advisors), interns and fellows, and professionals can grow and learn in a safe, appropriate, and mutually supportive environment. Everyone actively involved with Yachad/NJCD is expected to contribute positively to this atmosphere and this manual has been developed as a tool to help foster its implementation at the International, Regional, local, and community levels.

To achieve these goals, all Yachad/NJCD professionals, volunteers, interns and fellows, and Yachad/NJCD members are expected to adhere to regulations set forth in this manual. This policy applies to all Yachad/NJCD operations and programs, as well as to contacts between staff members, volunteers (lay leaders and advisors), interns, and Yachad/NJCD members, that take place outside the context of NJCD.

In addition to posting the most current version of this manual on the Yachad/NJCD website at www.Yachad/NJCD.org, copies have been sent to all of Yachad/NJCD's employees, interns and advisors involved with international, national, local, and community-based Yachad/NJCD offices and programs. It is essential that everyone involved with Yachad/NJCD indicate that they understand the policies set forth in this manual and how to respond if they feel the policies are not being implemented as required.

OVERVIEW

Yachad/NJCD's commitment to the physical, psychological, and emotional well-being of all Yachad/NJCD members, Yachad/NJCD families, volunteers (lay leaders and advisors), interns and fellows, and professionals is non-negotiable. Involvement with Yachad/NJCD demands a commitment to refraining from any action or word that is injurious or demeaning toward a person of the same or opposite gender. In both word and deed, all persons involved with Yachad/NJCD will comport themselves according to halakhic standards of modesty regarding matters of a personal or sexual nature.

While it is reasonable to accept that minor incidents will occur from time to time when well-intentioned Yachad/NJCD members, Yachad/NJCD families, volunteers, interns and fellows, and professionals do or say the wrong thing, a prompt apology followed by a promise to be more careful in the future is usually sufficient to satisfy all involved. In general, the corrections needed to rectify such mistakes are of the scale equivalent to those of other normal and healthy relationships. When simple apologies are insufficient, other forms of recourse are available.

These include contacting one's supervisor or Senior Social Worker of Yachad/NJCD or Associate Director of Yachad/NJCD or International Director of Yachad/NJCD at (212) 613-8229.

PERSONS WITH DISABILITY

Yachad/NJCD is dedicated to the inclusion of all Jews with disabilities in every aspect of Jewish life. Yachad/NJCD will continue to make every reasonable attempt to accommodate those participants who can only attend selected parts of an event or program due to disabilities. Yachad/NJCD will also continue to make every reasonable attempt to accommodate a participant's participation in a program so long as his/her participation does not detract from the participation of any other participant.

HALAKHA

All Yachad/NJCD programs and events must conform to Halacha (Jewish Law). On a very practical level, whenever a question about a Halakhic matter arises at a synagogue-sponsored event, the rabbi of the synagogue should be consulted. Questions regarding a national chapter event or events that are not synagogue-sponsored are to be directed to the senior-most Yachad/NJCD staff member in charge of the program.

TRANSPORTATION

Depending on the event, either Yachad/NJCD or parents are responsible for providing transportation for participants to and from events. On those occasions when Yachad/NJCD provides group transportation, parents/group homes will be notified at least a day in advance if not more.

The Yachad/NJCD office empowers chapter coordinators and staff to determine if advisors should be restricted from driving to regional and local events and programs.

HOUSING

Shomer Shabbat homes are preferred as housing hosts. For some locations, however, non-Shomer Shabbat homes must be used. In these situations, Yachad/NJCD will work closely with the host community leadership to ascertain proper housing locations, and will honor any objections to a particular site expressed by the local rabbi.

STAFF AND ADVISOR TRAINING

In partnership with National, local and Regional Administration, the Yachad/NJCD main office is responsible to ensure that all Yachad/NJCD volunteers, interns and fellows, and professionals have been trained and commit to follow all the provisions of this manual.

REPORTING ABUSE TO THE GOVERNMENT

Each state and country has its own laws regarding the responsibility of reporting suspected child abuse. A comprehensive breakdown of the various mandatory reporting laws for each state can be obtained at <http://www.childhelpusa.org>. Given the complexity of these laws, Yachad/NJCD /NJCD volunteers (lay leaders and advisors), Yachad/NJCD interns and fellows, and Yachad/NJCD professionals are required to consult with a Yachad/NJCD Regional Director or representative of the Main Office, located in New York City, before initiating a mandated report. For information concerning child abuse programs and laws in the United States, the U.S. Department of Health and Human Services recommends <http://www.childhelpusa.org>. Childhelp can also be reached at 1-800-4-A-CHILD (1-800-422-4453). Childhelp's hotline is available 24

hours a day, seven days a week. The hotline can tell you where to file a report and can help make the report. For resource material concerning child abuse in Canada, please refer to <http://www.phac-aspc.gc.ca/ncfv-cnivf/familyviolence/html/nfntsneqle.html> or call (613) 957-2938. To report suspected child abuse in Canada or Israel, contact those countries offices as well.

ACCEPTABLE BEHAVIOR

While the overwhelming majority of interactions between Yachad/NJCD volunteers, interns and fellows, and professionals fall well within the range of normal healthy relationships, certain behavior should be regarded as incompatible with Yachad/NJCD goals and standards and therefore always prohibited.

The following behavior is incompatible with Yachad/NJCD goals and standards and is therefore unacceptable:

- Sexual contact and non-sexual physical contact that is aggressive and/or excessive (e.g., slapping, punching, pinching, kicking),
- malicious mocking, ridiculing, berating, or any other hurtful speech,
- unwanted sexual attention in the form of remarks, jokes or innuendo about a person's body or clothing, or sexual activity,
- denigration, public or private, of parents/guardian's or their central role in the lives of their children,
- Denigration, public or private, of communal institutions or their leaders, including local synagogues and their rabbis.
- Psychological or emotional manipulation or control of Yachad/NJCD members/participants and their families. Among the identifying hallmarks of this are attempts to restrict, rather than to widen, the range of resource persons with whom Yachad/NJCD /NJCD members/participants develop relationships, and attempts to eliminate parents/guardians as critical influence in a Yachad/NJCD member's/participant's life. The psychological and emotional health of each Yachad/NJCD /NJCD member/participant must always be safeguarded with as much commitment as with that of their physical well-being.

ABUSE OR HARASSMENT

Abuse, abandonment, cruelty, and neglect include, but is not limited to, unwelcome physical and emotional harassment, and physical injury.

The United States Office of Civil Rights, under Title IX of the Civil Rights Act, defines sexual harassment as unwelcome activity in two categories, which are described further below: "Quid Pro Quo Harassment" and "Hostile Environment Harassment."

SEXUAL ABUSE includes, but is not limited to:

- any demeaning or exploitative behavior of a sexual nature, including threats of such behavior,
- displaying demeaning, suggestive, or pornographic material,
- unwelcome physical contact, such as inappropriate touching, patting, pinching, punching, and physical assault,

- Indirect or explicit invitations to engage in unwelcome sexual activities which may or may not include a promise of reward for complying or a threat of reprisal for not complying.

Sexual abuse or harassment shows no preference for age, race, appearance, or occupation. It happens to males and to females. The abuser/harasser and victim may be of opposite or the same gender. It may involve the abuse of ...

- a Yachad/NJCD member/participant by another Yachad/NJCD member/participant, volunteers and advisors, interns and fellows, and professionals
- a volunteer, by another volunteer, volunteers, interns and fellows, and professionals
- a Yachad/NJCD professional by another professional, volunteer, intern and fellow
- or any combination of previously stated positions

Harassment is defined as unwelcome physical, verbal, visual, or behavioral mannerisms or conduct that denigrates, shows hostility or aversion towards an individual because of his or her gender or other legally protected characteristics, where ...

- Submission to or rejection of such conduct is made (explicitly or implied) a term or condition of employment, maintaining their volunteer position, participation in Yachad/NJCD activities or the granting of preferential treatment. This is known as “Quid Pro Quo Harassment”;
- Submission to or rejection of such conduct by an individual is used as a basis for evaluation in making personnel or leadership decisions affecting an individual. This is also known as “Quid Pro Quo Harassment”;
- Such verbal or physical conduct has the effect of interfering with an individual’s work, participation in Yachad/NJCD activities, or living conditions, or creates an intimidating, hostile, or offensive environment. This is commonly known as “Hostile Environment Harassment”.

WELCOMENESS

Regardless of intent, it is never acceptable to interact with a Yachad/NJCD, member, volunteer, intern and fellow, and professional in a manner that is undesirable, offensive, or of a sexual nature. Yachad/NJCD volunteers, interns and fellows, and professionals must be particularly mindful that Yachad/NJCD members/participants may lack the verbal or psychological tools to identify or defend against inappropriate advances. Additionally, Yachad/NJCD is concerned about all forms of harassment by persons in positions of authority, since in these cases victims often feel less able to defend against conduct that is inappropriate, unwelcome, and illegal. No matter the age of the target of the harassment, whether a child, adult, or an adolescent, it is important to note that acquiescence or the failure to complain does not always mean that the conduct was welcomed by the recipient or acceptable to Yachad/NJCD.

GENDER BASED HARASSMENT

Sexual harassment may occur between members of the same or opposite gender, and harassment based on a person’s gender is not limited to instances involving sexual behavior. That is, harassment on the basis of gender may occur without sexual advances or sexual overtones when conduct is directed at individuals or groups because of their gender. This is often referred to as sex or gender harassment and violates the law and Yachad/NJCD policy.

INDIRECT HARASSMENT

A person does not have to be the direct and immediate target of sexual harassment to complain about it. Harassing behavior toward others may be as offensive, demeaning or disruptive as to constitute a hostile environment, though not specifically directed at the observer or individual lodging the complaint.

POWER-IMBALANCED ROMANTIC RELATIONSHIPS

The difference in power and the respect and trust that is often present between Yachad/NJCD professional and a Yachad/NJCD volunteer, a Yachad/NJCD professional and a Yachad/NJCD member, a Yachad/NJCD volunteer and a Yachad/NJCD member, a supervisor and a subordinate, or senior and junior colleague in the same department or unit makes these sexual relationships especially vulnerable to exploitation. Those who abuse their power in such circumstances by, for example, granting preferential treatment to a member who has submitted to sexual favors may be found to have violated the intent of this Yachad/NJCD /NJCD policy. “Voluntary” participation in a romantic relationship does not alone demonstrate that a romantic partner’s conduct was welcome. Moreover, even if the romantic relationship was welcomed by the romantic partner, it is nevertheless unacceptable according to YACHAD/NJCD policy.

Attempts by Yachad/NJCD professionals or volunteers to establish a dating relationship with a Yachad/NJCD member is strictly prohibited, with no exceptions, as they are contrary to a healthy supervisory or professional relationship. A dating relationship is not only incompatible with mentoring and supervising, but can also give the impression of coercion. In addition, a dating relationship between a Yachad/NJCD /NJCD professional and a Yachad/NJCD member falls into the category of a “power-imbalanced romantic” relationship. Violations of this prohibition are grounds for immediate dismissal.

It is understood that dating between Yachad/NJCD professionals and volunteers might also potentially fall under the category of “power-imbalanced” relationships. However, understanding the importance of such interactions, rather than prohibiting outright all such relationships, it is the responsibility of the Coordinator and/or Program Supervisor to the best of his or her ability to monitor all such relationships to assure that they not fail this critical test.

PERMITTED PHYSICAL CONTACT

Any combination of two Yachad/NJCD volunteers, interns and fellows, and professionals of the same gender, are welcome to engage in normal physical contact such as hugging or touching as an act of encouragement or consolation. This is permitted as long as the contact is both welcome and appropriate and not of a sexual nature.

Similarly, normal aggressive contact, such as that which would take place in a basketball or football game, or arm-wrestling is permitted as long as the activity is appropriate, welcome, and is not of a sexual nature.

PHYSICAL FORCE

Physical force used to discipline a recalcitrant Yachad/NJCD member/participant is not permitted as a means of routine discipline. Physical force may be used in emergency situations, such as to safeguard Yachad/NJCD member/participant in immediate physical danger, to protect or safeguard any property from immediate danger, or similar urgent situations.

YACHAD/NJCD MEMBER BEHAVIORAL STANDARDS

As stated above, Yachad/NJCD members have a responsibility to conduct themselves properly at all Yachad/NJCD events and in all Yachad/NJCD interactions.

The most important elements in proper Yachad/NJCD behavior are to treat Yachad/NJCD professionals, volunteers, and fellow Yachad/NJCD members with the personal respect that lies at the heart of healthy personal relationships, and to follow the directions and instructions of Yachad/NJCD professionals and volunteers.

If a Yachad/NJCD member violates the rules, or in any emergency situation which occurs at such an event, the Regional Director or staff member in charge of the event shall take whatever action he or she deems necessary within the parameters of this policy, and as soon as possible afterwards shall report the entire matter to the Supervisor.

UNACCEPTABLE BEHAVIOR

Beyond making mutual respect the cornerstone of personal relationships, and beyond following directions and instructions, there are specific behavioral standards that apply specifically to Yachad/NJCD members, including but not limited to:

- Any behavior that threatens the safety of Yachad/NJCD members will not be tolerated.
- Violence, depending on the seriousness of the act, may also result in referral to law enforcement authorities and/or suspension or cancellation of Yachad/NJCD membership.
- Foul, obscene or profane language of any sort (verbal, written or electronic) is unacceptable.
- Smoking at a Yachad/NJCD event may be grounds for immediate dismissal from the event at the earliest practical time.
- Possession and/or use of alcoholic beverages at a Yachad/NJCD event is grounds for immediate dismissal from the event at the earliest practical time, and may be subject to further disciplinary action at the discretion of the International Director.
- Possession and/or use of illegal drugs and controlled substances at an Yachad/NJCD event is grounds for immediate dismissal from the event at the earliest practical time, and may be subject to further disciplinary action at the discretion of the National Director.
- Bringing illegal weapons (such as guns, switchblades, sharpened box cutters, and sharpened screwdrivers) to an event will result in confiscation of the weapons, expulsion from the event at the earliest practical time, and may also be referred to the appropriate law enforcement authorities. Other items that are intrinsically dangerous will be confiscated for the event, and those who brought them may be subject to further disciplinary action. (Swiss Army knives, or small pocket knives, which are as much tools as knives, are typically not permitted. The Yachad/NJCD professional in charge of the event may confiscate them at his or her discretion for the period of the event and return them to the owner after.)
- Member abuse of Yachad/NJCD professionals and volunteers will never be tolerated.

Yachad/NJCD /NJCD professionals shall be sensitive as to which breaches of standards indicate the need to refer the problem to professional outside resources for further resolution.

REPORTING A GRIEVANCE

Any NJCD professional or volunteer who receives notice that a Yachad/NJCD participant has been the victim of harassment or abuse is required to immediately report the alleged acts to the supervisor, Senior Social Worker, Associate Director, or the International Director as detailed below. Yachad/NJCD will respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible, consistent with Yachad/NJCD legal obligations and the necessity to investigate allegations of harassment and take disciplinary and other appropriate action. The International Director of Yachad/NJCD must also be informed and kept up to date on the activities related to the grievance.

YACHAD/NJCD ACTION

Listed below is step by step explanation of how to initiate an official grievance. Though it is the intent of this policy to take decisive action against those who break Yachad/NJCD policy, it is important to note that Yachad/NJCD requires the complete cooperation of the complainant in order to initiate and pursue a course of action. Additionally, Yachad/NJCD is unable to take action in response to complaints that are reported anonymously. Depending on the nature of the grievance and the outcome of an investigation, disciplinary action may result in the issuance of a warning, a suspension, or immediate discharge to end the harassment and prevent its recurrence.

GRIEVANCE PROCEDURES

Note: Victims of abuse are encouraged to seek redress to whatever extent they desire through the relevant local, state and federal laws.

REPORTING ABUSE TO THE STATE

Each state has its own laws regarding the responsibility of reporting suspected abuse. A comprehensive breakdown of the various mandatory reporting laws for each state can be obtained at <http://www.childhelpusa.org>. Given the complexity of these laws, NJCD professionals and volunteer advisors are required to consult with an NJCD Regional Director or representative of the National Office before initiating a mandated report. For information concerning child abuse programs and laws in the United States, the U.S. Department of Health and Human Services recommends <http://www.os.dhhs.gov/children/index.shtml#family> and <http://www.childhelpusa.org>. Childhelp can also be reached at 1-800-4-A-CHILD (1-800-422-4453). Childhelp's hotline is available 24 hours a day, seven days a week. The hotline can tell you where to file a report and can help make the report. For resource material concerning child abuse in Canada, check out, http://www.phac-aspc.gc.ca/ncfv-cnivf/familyviolence/html/nfntsnegl_e.html or call (613) 957-2938.

WHAT TO DO IF YOU BELIEVE YOU ARE BEING ABUSED

Believe and trust yourself and your feelings.

- Protect yourself by keeping a detailed account of every incident. Written is always best.
- Talk to someone you trust to hear and support you. You may feel comfortable going to your parents, your rabbi, or a Yachad/NJCD professional or advisor.
- Know that a policy and process is in place within Yachad/NJCD for dealing with complaints and instances of abuse, harassment, and general misconduct.
- **Remember that it is not your fault.** The abuser is responsible for his/her own behavior.

WHAT HAPPENS IF I FILE A COMPLAINT?

- Your complaint will be taken seriously.
- You will be treated with compassion and respect.
- You will be provided with information about NJCD's policy and procedures for registering a formal complaint.

HOW DO I INITIATE A COMPLAINT OF ABUSE OR HARASSMENT?

Call the Yachad/NJCD office and speak only with the International Director, Assistant Director, or Senior Social Worker at (212) 613-8229.

HOW WILL MY COMPLAINT BE HANDLED?

For complaints that address concerns of abuse or harassment, Yachad/NJCD staff will work with anyone necessary to guide a full-scale investigation.

For complaints that address concerns related to other forms of misconduct irrespective of whether or not they can be found in the Conduct, Policy, and Behavioral Standards manual, the National Director or Assistant Director or his designee will oversee the investigation or else s/he will forward a summary of the Complaint to the OU Director of Human Resources.

COMPLAINT PROCEDURE

If a participant, parent, advisor, or Yachad/NJCD professional observes conduct (by any of the preceding) that appears to violate the Yachad/NJCD Conduct, Policy and Behavioral Standards, s/he should immediately:

1. Tell the alleged offender that the conduct is unacceptable.
2. Report the incident immediately to an appropriately located Yachad/NJCD local representative or of the Yachad/NJCD National Office staff.

YOU NEED TO KNOW

In order to conduct investigations that are just, accurate, and in fairness to all parties, no action will be taken on complaints that are placed anonymously. Moreover, the complainant must be fully cooperative with Yachad/NJCD throughout the investigation.

Confidentiality will be consistent with legal obligations and the necessity to investigate allegations and punish substantiated misconduct.

Yachad/NJCD will not retaliate in any form, against any employee, staff member (paid or unpaid), Yachad/NJCD member, or parent for reporting, assisting, or cooperating with a person making a credible complaint. Yachad/NJCD and the Orthodox Union reserve the right to take legal actions against individuals who are discovered as having made false or misleading accusations.

WHAT HAPPENS AFTER I SUBMIT MY COMPLAINT?

Upon receipt and review of the complaint alleging abuse, harassment, or other violations of Yachad/NJCD Conduct, Policy, and Standards of Behavior, the Associate Director and/or International Director will:

A) Inform the individual who submitted the complaint that sufficient information was present to initiate a full-scale inquiry.

B) Inform the individual who submitted the complaint that there was insufficient information present in the complaint to warrant a formal inquiry. If there is disagreement with this assessment, an opportunity will be given to challenge this decision by submitting a letter of appeal to the International Director or Assistant Director.

NEXT STEPS

In addition to multiple conversations with the individual who submitted the complaint, full-scale inquiries include a comprehensive gathering of information from multiple sources. In addition to individuals named in the complaint, this research may include information gathered from conversations with rabbis, parents, community leaders, Yachad/NJCD professionals, volunteers, and Yachad/NJCD members. When appropriate, the individual/s conducting the inquiry may also consult with mental health professionals as well as appropriate law enforcement agencies for further action.

After sufficient information has been gathered, and a confident conclusion has been reached regarding the alleged misdeed, the relevant findings will be shared with the Chair of the Yachad/NJCD National Board and the Director of Human Resources with the Orthodox Union. They will determine who the best person to share this information is with the aggrieved individual and the alleged offender. If either party is unsatisfied with NJCD's decision, or if no action is taken within four (4) weeks of filing the complaint, all parties are welcome to appeal to the International Director.

INTERIM SUSPENSION

The International Director has the authority to suspend the alleged offender from attending NJCD events during the interim period from the time the complaint is filed until deliberations are completed.

OTHER COMPLAINTS

The above procedures for handling complaints are intended to address serious issues to ensure that they are handled appropriately. If you (Yachad/NJCD member, parent, staff, intern or advisor) have a complaint you consider less serious in nature, you may choose to bypass these procedures. You may, either on your own or together with or through your parents, rabbi or advisor simply contact your local coordinator or the Yachad/NJCD National Office at 212-613-8229. Minor complaints or concerns can even be conveyed by someone else while keeping your identity secret. In such cases, you will not benefit from any committee deliberations or outside oversight. However, should your initial attempts at direct resolution prove unsuccessful or unsatisfactory, you may then choose to file a formal complaint and benefit from committee review and oversight as contained in the procedures outlined above.



Yachad/National Jewish Council for Disabilities

Employee/Professional/Volunteer/Intern/Fellow Acknowledgement Form

The Yachad/NJCD /NJCD Conduct, Policy, and Behavioral Standards Handbook was prepared to provide guidance to Yachad/NJCD members, volunteers, advisors, interns and fellows, and professional employees. Though the guide may not anticipate every possible situation, it is a comprehensive resource guide that lays out the fundamental policies and philosophical underpinnings governing interactions that take place within the context of Yachad/NJCD.

I understand that I should consult a representative of the Yachad/NJCD National Office regarding any questions not answered in this Handbook. Though this guide is intended for everyone who comes into contact with Yachad/NJCD, with regard to Yachad/NJCD professional employees and volunteer advisors, it is worth being reminded that professional employment and volunteer involvement with Yachad/NJCD and the Orthodox Union is voluntary and generally without a specified length of employment. Accordingly, so long as there is no violation of applicable federal or state laws, either Yachad/NJCD or I can terminate the relationship at will, at any time, with or without cause.

Since the information and policies described in the Yachad/NJCD Conduct, Policy, and Behavioral Standards Handbook are to be amended from time to time, I acknowledge that, except for Yachad/NJCD's policy of employment-at-will, the policies, and the Handbook itself, can be modified by NJCD at any time without notice and without the distribution of a revised version. All such changes will be reflected in the most current version which will always be available on the National Yachad/NJCD website at www.Yachad.org. As changes or emendations may supersede, modify, or eliminate existing policies, I acknowledge that is my sole responsibility to stay current concerning the policies which govern Yachad/NJCD /NJCD. Only the Yachad/NJCD International Director in consultation with the Director of Human Resources of the Orthodox Union has the ability to adopt any revisions to the policies in this Handbook.

Furthermore, I acknowledge that this Handbook is neither a contract of employment nor a legal document and is intended only to outline policies and programs of Yachad/NJCD. As a condition of my employment or volunteer involvement with Yachad/NJCD, I have thoroughly reviewed a copy of the Handbook, and I understand that my professional employment or volunteer involvement is dependent on my compliance with the policies contained in this Handbook and any revisions made to it.

Professional Employee or Volunteer Advisor Signature Date

Employee/Professional/Volunteer/Intern/Fellow Name (Typed or Printed)

Region(s) affiliated with: _____