

Yachad/National Jewish Council for Disabilities



YACHAD

BECAUSE EVERYONE BELONGS

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

2016-2017

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CONDUCT, POLICY, AND BEHAVIORAL STANDARDS MANUAL

INTRODUCTION

Yachad is a global organization dedicated to the *Inclusion* of all Jews with disabilities in every aspect of Jewish life. Yachad 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 and the Orthodox Union strive to create an environment in which Yachad members and families, volunteers (lay leaders and advisors), interns, and professionals can grow and learn in a safe, appropriate, mutually supportive, and Halakhic (Jewish law) environment. Everyone actively involved with Yachad 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 professionals, volunteers, interns, and Yachad members are expected to adhere to regulations set forth in this manual. This policy applies to all Yachad operations and programs, as well as to contacts between staff members, volunteers (lay leaders and advisors), interns, and Yachad members, that take place outside the context of Yachad.

In addition to posting the most current version of this manual on the Yachad website at www.Yachad.org, copies have been sent to all of Yachad's employees, interns, and advisors involved with international, national, local, and community-based Yachad offices and programs. It is essential that everyone involved with Yachad 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.

GENERAL

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

While it is reasonable to accept that minor incidents will occur from time to time when well-intentioned Yachad members, Yachad families, volunteers, interns, 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 alternatives can be evaluated. These include contacting one's supervisor or International Director, Associate Director, Assistant Director, Director of Social Work, or Senior Social Worker of Yachad at (212) 613-8229.

INCLUSION FOR PERSONS WITH DISABILITIES

Yachad is dedicated to the inclusion of all Jews with disabilities in every aspect of Jewish life. Yachad 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 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 or enjoyment of any other participant.

HALACHA

Halacha (Jewish Law) must be observed by everyone attending Yachad events. Quintessential to this commitment, is an unwavering willingness to observe Shabbat at all times during a Yachad Shabbaton or other agency event that falls on Shabbat, whether during group programs or during "free time." With regards to standards of Halakha observance, it bears noting that as an agency dedicated to all Jews with disabilities across every Jewish tradition, community, and heritage, Yachad certainly affords participants and members the room to learn about the Shabbat traditions of the Orthodox Jewish community as they grow in their individual observance, and that making errors is human, but it is not required in ones lives.

While respect for one another can be communicated by gesture and tone of voice, language is the most powerful tool for conveying it. Consequently, "nekiyut halashon," cleanliness of language, serves as the standard that should guide all Yachad professionals, volunteers, advisors and participants. Words should be chosen with regard to their impact upon the listener, and should confirm his or her sense of self-worth.

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 staff member in charge of the program.

STAFF AND ADVISOR TRAINING

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

TRANSPORTATION

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

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

HOUSING

Shomer Shabbat homes are preferred as housing hosts. On some occasions, however, non-Shomer Shabbat homes must be used. In these situations, Yachad 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.

BEHAVIOR GUIDELINES

A) STAFF BEHAVIORAL STANDARDS

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

The following behavior is incompatible with Yachad 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,
- Psychological or emotional manipulation or control of Yachad 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 members/participants develop relationships, and attempts to eliminate parents/guardians as critical influence in a Yachad member's/participant's life. The psychological and emotional health of each Yachad member/participant must always be safeguarded with as much commitment as with that of their physical well-being.
- Denigration, public or private, of religious institutions or their leaders, including local synagogues and their rabbis, as well as yeshivot and other administration and faculty.

SOCIAL MEDIA POLICY

Posts with Yachad members on Social Media (Facebook, Twitter, Instagram, etc.) are permitted within reasonable social parameters. This includes adhering to all of Yachad's behavioral guidelines within this packet, including no physical contact with the opposite gender in pictures. Posts that have negative or inappropriate connotations will be asked to be taken down. Remember that just because it is posted online, doesn't exclude it from being considered bullying or harassment.

PERMITTED PHYSICAL CONTACT

Any combination of two Yachad volunteers, interns, 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/football game, or arm-wrestling is permitted as long as the activity is appropriate, welcome, and is not of a sexual nature.

B) YACHAD MEMBER BEHAVIORAL STANDARDS

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

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

If a Yachad 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 behavioral standards that apply specifically to Yachad members, including but not limited to:

- Member abuse of Yachad professionals and volunteers will never be tolerated.
- Any behavior that threatens the safety of Yachad 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 membership.
- Foul, obscene or profane language of any sort (verbal, written or electronic) is unacceptable.
- Smoking at a Yachad 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 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 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.
- 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 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.)

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

PHYSICAL FORCE

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

POWER-IMBALANCED ROMANTIC RELATIONSHIPS

The difference in power and the respect and trust that is often present between Yachad professional and a Yachad volunteer, a Yachad professional and a Yachad member, a Yachad volunteer and a Yachad 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 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's policy.

Attempts by Yachad professionals or volunteers to establish a dating relationship with a Yachad 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 professional and a Yachad 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 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.

ABUSE

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 professional or advisor.
- Know that a policy and process is in place within Yachad 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.

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 member/participant by another Yachad member/participant, volunteers and advisors, interns, and professionals
- a volunteer, by another volunteer, volunteers, interns, and professionals
- a Yachad professional by another professional, volunteer, intern
- 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 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 activities, or living conditions, or creates an intimidating, hostile, or offensive environment. This is commonly known as “Hostile Environment Harassment”.

CONSENT

Regardless of intent, it is never acceptable to interact with a Yachad, member, volunteer, intern, and professional in a manner that is undesirable, offensive, or of a sexual nature. Yachad volunteers, interns, and professionals must be particularly mindful that Yachad members/participants may lack the verbal or psychological tools to identify or defend against inappropriate advances. Additionally, Yachad 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, adolescent, or an adult, 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.

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 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.

REPORTING ABUSE

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

YACHAD'S ACTION IN REPORTING A GRIEVANCE

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 policy, it is important to note that Yachad requires the complete cooperation of the complainant in order to initiate and pursue a course of action. Additionally, Yachad 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, YACHAD professionals and volunteer advisors are required to consult with an YACHAD 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 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 YACHAD's policy and procedures for registering a formal complaint.

COMPLAINT PROCEDURE

If a participant, parent, advisor, or Yachad professional observes conduct (by any of the preceding) that appears to violate the Yachad 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 local representative or of the Yachad 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 throughout the investigation.

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

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

HOW DO I INITIATE A COMPLAINT OF ABUSE OR HARASSMENT?

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

HOW WILL MY COMPLAINT BE HANDLED?

For complaints that address concerns of abuse or harassment, Yachad 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 International Director, Associate Director, Associate Director, Assistant Director, Director of Social Work 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.

WHAT HAPPENS AFTER I SUBMIT MY COMPLAINT?

Upon receipt and review of the complaint alleging abuse, harassment, or other violations of Yachad Conduct, Policy, and Standards of Behavior, the International Director, Associate Director, Assistant Director and/or Director of Social Work 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, Associate Director, Assistant Director, or Director of Social Work.

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 professionals, volunteers, and Yachad 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 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 Yachad'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 Yachad 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 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 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.

