

# Morgan Lewis

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**Report of Investigation into  
Allegations of Misconduct at  
Hebrew Union College-Jewish Institute of Religion**

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## **I. INTRODUCTION**

Hebrew Union College-Jewish Institute of Religion (HUC) is an institution of Jewish higher education that operates the seminary of Reform Judaism along with graduate and professional schools and programs that train Reform rabbis and cantors, Jewish educators, non-profit leaders, and scholars of all faiths. HUC has four campuses: Cincinnati, New York City, Los Angeles, and Jerusalem. HUC currently has 430 students (spread out across the four campuses), 44 full-time faculty members (not including adjuncts), and 195 staff members.

In mid-April 2021, shortly after the death of Dr. Michael Cook, a well-known HUC professor, HUC learned of reports posted on social media about sexual harassment, gender bias, and other forms of inequitable treatment by Dr. Cook and other HUC faculty.

In response to these reports, as well as other information that previously had been brought to the attention of members of the HUC Board of Governors (the Board), the Board decided to retain an independent organization to review all allegations of misconduct, regardless of whether they already had been reported. A Special Committee of the Board reached out to Morgan Lewis on April 15, 2021. On April 29, with formal approval by the Special Committee, the Board retained Morgan Lewis to conduct an independent review of accounts of inequitable experiences within the HUC community over the past several decades.<sup>1</sup>

The Special Committee instructed us to conduct a broad and fully independent review of allegations of prior and current misconduct by anyone associated with HUC. Specifically, the Special Committee tasked us with investigating complaints of past sexual misconduct, sexual harassment, or discrimination on the basis of sex, including gender, gender identity or expression, and sexual orientation, by HUC faculty, staff, or others associated with HUC. The Special Committee also charged us with investigating other allegations of past or current harassment or discrimination or inequitable treatment based on gender, gender identity or expression, sexual orientation, race, and/or disability. The Special Committee asked us to determine whether any faculty or staff member in a supervisory or leadership position at HUC was aware of, or should have been aware of, such complaints at any location on any campus or at off-site assignments or events related to the HUC curriculum and, if so, what the response of that faculty or staff member was and whether the response was appropriate.

In addition to that broad investigatory scope, the Special Committee asked Morgan Lewis to review and evaluate past and current policies, procedures, and controls related to the reporting and handling of allegations or instances of misconduct, harassment, or discrimination by HUC

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<sup>1</sup> In addition to HUC, other Reform movement institutions, including the Central Conference of American Rabbis (CCAR) and the Union for Reform Judaism, retained independent counsel to investigate how the movement deals with allegations of misconduct. These investigations commenced after April 29, 2021, when Central Synagogue, a large Reform movement synagogue, issued findings of an internal investigation stating that former HUC President Rabbi Sheldon Zimmerman had engaged in inappropriate sexual relations in the 1970s and 1980s, during his time as Central Synagogue's senior rabbi. Rabbi Zimmerman also was the president of HUC from 1996-2000 and he served on HUC's faculty before then. He resigned from HUC in 2000 after an investigation into his conduct as a rabbi led to his suspension by the CCAR.

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faculty, staff, or others associated with HUC; and to counsel and make recommendations to the Board regarding how to respond to our investigative findings.

This report contains the results of Morgan Lewis's investigation and its findings and recommendations.

## **A. INDEPENDENCE OF INVESTIGATION**

The investigation was led by a team of Morgan Lewis partners, associates, and staff and was completely independent. Neither the Board nor anyone associated with HUC influenced, limited, or directed the investigation process or what to include in this report. The Firm was given full autonomy as to how to conduct our review as well as the final content of the report. Neither Morgan Lewis nor any of the attorneys or staff who worked on this project have previously been associated in any way with HUC or members of its Board. We have not represented HUC in litigation and will not do so with regard to any allegations raised in this report.

## **B. INVESTIGATION PROCESS AND METHODOLOGY**

We began our investigation in early May 2021 and continued through late September 2021. Our objectives were (1) to gather and receive information from all those who wished to tell us about their experiences at HUC, as well as from other sources; (2) to develop, based on that information, a thorough understanding of the culture and environment on the HUC campuses at various points in time; (3) to evaluate HUC's policies and procedures and identify ways to strengthen and enhance them; and (4) to identify areas of improvement in HUC's campus cultures.

On May 8, 2021, at the outset of the investigation, HUC sent a letter from Morgan Lewis to its extended mailing list (over 30,000 individuals) about its engagement by HUC and explained how the investigation would be conducted. HUC also posted the letter on its social media platforms and its website. The letter encouraged people with information or concerns to contact Morgan Lewis and provided a dedicated email address and telephone number by which to do so. On June 2, July 17, and July 26, HUC distributed subsequent communications from Morgan Lewis with reminders about the investigation and how to contact Morgan Lewis.

Over the next 4½ months, we received and responded to more than 230 communications. Of those who reached out, we interviewed everyone who wished to share their story. During the latter phase of our investigation, we initiated contact with several people who we believed would have relevant information. We also reached out to individuals who had been the subject of multiple reports to request an interview and to give them the opportunity to respond to those reports.

### **1. Interviews**

In the course of our investigation, we conducted 170 individual interviews, which comprised the following:

- Former Students (primarily rabbinical and cantorial students): 111
- Current Students: 4
- Former Faculty: 10
- Current Faculty: 14

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- Former Staff: 15
- Current Staff: 12
- Other: 4

The interviews took place primarily by video conference, with a few by telephone, and lasted an average of 60-90 minutes. No conversations were recorded either by video or audio and there were no restrictions on subject area or time. All participants were informed that, while we were lawyers: (1) we were not creating an attorney-client relationship with them individually; (2) we represented the Board of HUC and not any individual Board members, faculty members, or administrators; and (3) we anticipated that the information we gathered would ultimately be reported to the Board.

At every stage of the process, we sought to maintain witness confidentiality. Some witnesses gave us express permission to use their names and identifying information with the Board. We chose not to include any witness names in this report because they are not necessary to understand our findings, conclusions, and recommendations.

## **2. Document Review**

In addition to witness interviews, we reviewed and analyzed hundreds of documents related to the investigation, including but not limited to HUC's handbooks and relevant policies and procedures; the report from the Presidential Task Force on Safe and Respectful Environments; the report by HUC's Diversity, Equity and Inclusion consultant; student reports to the Board of Governors; records regarding past complaints and investigations; deposition transcripts and expert reports from prior litigation; personnel files; internal memos; and any materials we received from witnesses to supplement and/or support what they recounted during their interview (*e.g.*, email correspondence, social media posts, and written statements).

## **3. Time Period**

We did not restrict the scope of our investigation to any given time period. Ultimately, the allegations we heard about spanned more than five decades, from the 1970s to the present.<sup>2</sup>

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We thank the Board and the Special Committee for the opportunity to assist HUC in this important project. They wanted a fair, unbiased, and complete investigation and so placed no limits on its scope. We appreciate their unfettered support, as well as the support and able assistance of the administration, who answered our many questions and did their best to track down files from long ago.

We also want to thank all of those who volunteered to speak with us. We understand that the subject matter of some of our conversations was complicated, difficult, and had the potential to revisit painful memories. We came away from the project with the strong view that all participants have a sincere desire to assist HUC in meeting its deepest core values. We hope and trust this

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<sup>2</sup> We received one email alleging misconduct in the 1960s.

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Report will be helpful to HUC and all who have been, currently are, and will in the future be associated with this historic and special center for Jewish education and learning.

## II. EXECUTIVE SUMMARY

### A. Categories of Conduct

Morgan Lewis spoke with 170 witnesses and reviewed hundreds of documents detailing allegations of harassment, discrimination, and related misconduct. Given the breadth of our review, both in time and scope, it was not possible to definitively substantiate or not substantiate all of the allegations we received. We include in this Report only those allegations that we determined met a threshold of credibility, noting where possible when there were multiple and/or consistent allegations about conduct, patterns of behavior, and/or themes.

The allegations we heard during interviews fall into the following categories of alleged misconduct: (1) gender discrimination; (2) sexual harassment; (3) LGBTQ+ discrimination; (4) bullying and disrespect; (5) failure to provide accommodations; and (6) racial discrimination.

A significant number of the women we interviewed, as well as some of the men, described gender discrimination or bias that they experienced and/or witnessed. The most prevalent comment we heard was of a “good old boys” mindset across all of HUC’s campuses.

Additionally, women credibly reported being subjected to direct gender discrimination, ranging from comments disparaging women in the rabbinate generally, to a woman being told she was “too high strung to be a rabbi,” to female students and faculty being treated negatively because they chose to focus on feminism in their scholarship. We also were told about more recent microaggressions against women, such as being interrupted while speaking, being ignored by male colleagues, or being called by first names rather than “doctor” or “rabbi” or “professor.” Both faculty and students described instances of male faculty and administrators commenting on women’s appearances and/or weight while not making similar comments about men’s appearances or weight.

In addition to gender bias, we received numerous allegations of sexual harassment, ranging in severity from forcible sexual touching to off-color jokes and comments about breasts and penis size. While the more serious allegations concern conduct occurring before 2000, we also heard about more recent harassment and boundary-crossing behavior. Numerous students told us that they did not report sexual harassment to faculty or the administration because they feared retaliation.

A smaller but still significant number of witnesses experienced or witnessed alleged discrimination based on LGBTQ+ status. While the most blatant and egregious allegations date from years ago, the issue reportedly remains today.

We heard numerous allegations about various forms of bullying by faculty members and leaders in the administration.

We also received reports of difficulties obtaining accommodations for disabilities and pregnancy/new parenthood.

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Some students and faculty members also shared with us experiences and observations of racial discrimination.

## **B. Themes**

Overall, the common themes that former and current students and faculty alleged were: (1) abuse of power by some administrative leaders and faculty, and fear of retaliation by the reporters or would-be reporters of that abuse; (2) enabling behavior by some faculty and administrators, in which individuals were not held accountable or disciplined for their misconduct; (3) a culture of favoritism towards male students fostered by some administrators and faculty members; (4) academic gatekeeping by some faculty members; (5) a disrespectful “tone at the top” by some members of the Board of Governors who have served during the past decade; (6) differences in campus cultures; (7) pain and guilt that some former students (as well as some former faculty) feel as a result of their experiences at HUC and their sense that they did not do enough to protect later generations of students; and (8) lack of awareness of HUC’s procedures for reporting misconduct and inadequate and/or ineffective record-keeping for complaints and investigations.

## **C. Repeated Credible Allegations of Misconduct**

We received and/or reviewed repeated and credible allegations of sexual harassment by Dr. Steven Cohen, Dr. Michael Cook, Dr. Alfred Gottschalk, Dr. Stephen Passamaneck, Bonia Shur, and Rabbi Sheldon Zimmerman.

## **D. Recommendations**

Based on the information we gathered in the course of our investigation, including responses from witnesses as to what they hoped would result from the investigation, we recommend ways for HUC to: (1) engage in the process of *teshuvah* (repentance); (2) prevent the conduct outlined in this report from recurring; and (3) develop and implement policies and procedures for reporting, investigating, and remedying misconduct.

Regarding *teshuvah*, we recommend engaging in a truth and reconciliation process. This would include making this investigative report public; establishing a public forum where individuals who wish to tell their HUC stories can do so; and thanking all who came forward to share their HUC experiences with us. We also recommend offering to conduct an optional reordination ceremony, or something similar, for those who were ordained by alleged sexual harassers and wish to be re-ordained. In addition, we recommend appropriate corrective action, including removing honors or memorials that recognize individuals who engaged in the types of misconduct described in this report.

We recommend that the process of taking proactive steps to prevent the recurrence of this misconduct start with a cultural assessment, including surveying current students, faculty, and staff, and conducting focus groups and individual interviews. Additionally, we recommend ensuring that there are clear rules and directives prohibiting harassment, discrimination, bullying, and other disrespectful conduct and that those rules and directives are consistently enforced. In the same vein, we recommend that the school conduct comprehensive and in-depth training for students, faculty, staff, and Board members on creating a culture of respect, inclusion, and diversity. With respect to the latter, we recommend that HUC make efforts to enhance the



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diversity of its senior leadership and that the Board make efforts to enhance its diversity as well. We also recommend that HUC appoint an ombuds person to whom individuals with concerns can go and consider providing access to trained mental health services at each campus.

With respect to policies and procedures for reporting, investigating, and remedying misconduct, we recommend that HUC review and revise its policies and procedures in accordance with what we have set forth in this report. Additionally, HUC should ensure that those policies and procedures are prominently featured and easily accessible on the school's website and that students, faculty, and staff are trained annually. We recommend that HUC ensure transparency and consistency in how complaints and misconduct are handled and consider implementing a student discipline panel or escrow system.

Finally, we recommend that HUC evaluate relationships with partner synagogues and sister organizations and make adjustments as necessary and appropriate. For instance, we recommend that going forward, HUC terminate relationships with synagogues where students are treated inappropriately during their student pulpits. We also recommend that HUC work with the Central Conference of American Rabbis (CCAR), the American Conference of Cantors (ACC), and the Union for Reform Judaism (URJ) to assess and modify if appropriate the placement process, and that HUC explore whether and how it might revoke a degree and *smicha* (ordination) where allegations of misconduct have been substantiated.

### **III. FINDINGS AND OBSERVATIONS**

Set forth below is a more detailed summary of our findings and observations regarding witness allegations of harassment, discrimination, and/or inequitable treatment at HUC. This section is broken into three parts: (1) the types of misconduct that former and current students and faculty and other witnesses described to us; (2) the overarching themes that we heard and observed throughout our interviews; and (3) repeated allegations of misconduct involving specific individuals associated with HUC.

Given the breadth of our review, both in time and scope, it was not possible to definitively substantiate or not substantiate all of the misconduct allegations we received. We include here only those allegations that we determined met a threshold of credibility, noting where possible when there were multiple and/or consistent allegations about conduct, patterns of behavior, and/or themes. To the extent possible, we provide a level of detail and specificity that will permit a reader to obtain a clear picture of the concerns expressed to us in a variety of areas. In some cases, however, we have chosen to present a more generalized interpretation of information received from multiple sources.

Our assessment of the allegations took into account the temporal and contextual framework of the information we received, as well as significant doctrinal and cultural changes in the Reform movement over the past decades. It is undeniable that, over the 50 year period we reviewed, societal norms and doctrinal positions evolved, and conduct occurring decades ago must be viewed in context. In so doing, however, we do not suggest that conduct that violated individual rights and caused harm to others should not be condemned because it was deemed to be acceptable by some at the time.

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## A. Allegations of Discrimination and Unfair Treatment

### 1. Allegations of Gender Discrimination

Gender discrimination and sexism were a significant focus of our investigation. Close to half of the individuals we interviewed, both current and former students and current and former faculty, described various forms of gender discrimination they believe they experienced or witnessed during their time at HUC. Many discussed their perception that an “old boys’ club” mentality existed, which led to a general feeling of sexism and discriminatory behavior at HUC.

Gender issues at HUC must be viewed in a unique historical context. The first female rabbinical student was not ordained at HUC until 1972; the first woman cantorial student was not ordained until 1975; and the first woman faculty member was not granted tenure until 1995. Over those years and continuing to the present, there has been a doctrinal and cultural evolution of women’s role within the clergy.

These circumstances, coupled with a broader societal acceptance of behaviors that are not tolerated today, undoubtedly contributed to a highly challenging environment for female students and faculty in the 1970s and 1980s. They also have affected, albeit in more subtle ways, the experiences of women up to the present.

Many within the first cohorts of women rabbinical students reported that they had experienced overt gender discrimination. For example:

- In the early 1970s, the President of HUC reportedly opined that women in the rabbinate was a passing fad.
- Also in the 1970s, a Cincinnati professor allegedly commented that one of the issues with allowing women to be rabbis was that it conflicted with the idea of the “sacred prostitute.”
- A female rabbi who was pregnant in the 1980s felt she had to “hide” her condition.
- A woman who was a student in the 1980s reported that she was told by a member of HUC’s admissions committee during the application process that he would recuse himself from her rabbinical school interview because he felt that if she became a rabbi she would “ruin her husband’s career” as a rabbi.
- Women’s and men’s ordination certificates contained different wording until 2016. Men’s certificates bestowed the title *morenu harav*, or “our leader, the rabbi.” Women’s certificates said only *rav u’morah*, or “rabbi and teacher.”<sup>3</sup>

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<sup>3</sup> Debra Nussbaum Cohen, “Why a Small Word Change is a Big Deal for Reform Women Rabbis,” *Jewish Telegraphic Agency*, May 31, 2016.

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Such incidents also were reported to have occurred more recently. For example:

- A woman who was a faculty member in the 1990s and early 2000s remarked that although women had been attending HUC for decades, the only women's bathroom on the Cincinnati campus was in a basement and contained urinals.
- A woman who was ordained in the 2010s recalled that in her first class at HUC, the teacher commented that "a sermon should be like a woman's skirt: long enough to cover the subject, but short enough to keep it interesting."
- A student in the late 2010s said she was put on probation and brought before the non-academic tenure committee because she allegedly was told she "was too high strung to be a rabbi," spoke too much, and tended to anxiously interrupt her professors.
- A current student reported that she was given a barely passing grade when she chose to write a paper on feminism and, on a separate occasion, was told her sources were problematic because she did not use traditional male scholars as sources.
- In one high-profile case from the early 2000s, a former faculty member sued HUC, alleging that she was denied promotion, and thus tenure, due to her gender and that she faced a backlash for focusing her research on feminist issues. In connection with the lawsuit, an expert on gender discrimination in academia found that HUC's procedures for evaluating faculty for promotion and tenure were flawed and biased against female professors.
- Another former faculty member alleged that she had faced criticism from male faculty members for engaging in feminist scholarship in the late 1990s and early 2000s.
- A former woman faculty member complained of gender discrimination in connection with selections for senior leadership positions in the 2010s.
- In one instance, a woman promoted to a senior administrative position faced ongoing retaliatory behavior from a male colleague. The colleague publicly stated that he disapproved of the promotion, and made this known to senior colleagues and others.
- A former faculty member reported that the administration admitted to her that she was assigned to certain faculty committees during the course of her HUC career, from the late 1990s to the late 2010s, because they needed a woman on the committees.
- Another former faculty member said she was told by a male faculty member in the late 1990s or early 2000s that when a woman speaks at a conference, he judges her twice as harshly as he would a man.
- One woman recounted a male faculty member asking her in the 1990s how she could give a presentation on a day that store sales were taking place, because he assumed she would rather be shopping.

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Additionally, female students and faculty alleged more recent microaggressions. For instance:

- Women reported situations in the 2000s and 2010s in which men interrupted or did not acknowledge what women said in meetings and/or repeated statements made by women without crediting those women.
- Male professors allegedly referred to female professors by their first names instead of "doctor" or "professor" in front of students in the 1990s and 2000s.
- A former professor reported that a male professor patted her on the head and told her she was a sweet girl in the 1990s. She also asserted that she was "paraded around" at events as the "token woman faculty member."
- A current student reported that she had been told she was too argumentative and defensive and had been asked by professors why she had to have so much "presence," while men were told they were being leaders or "using their clergy voice."

Both faculty and students consistently described situations in which male faculty and administrators commented on their or other female colleagues' appearances:

- A female student in the late 1980s stated that she was told to look as masculine as possible and to wear a dark jacket with a button-down shirt and skirt.
- A female student in the 2000s said that she was told by a professor in Israel that she needed to dress "cuter," wear makeup, and dress in a more feminine manner (*i.e.*, wear skirts and dresses).
- Women in the 2010s reported being given a long list of style expectations for interviews, while their male classmates supposedly were not provided similar expectations. This report was corroborated by a faculty member who stated that there were many faculty discussions about female students' attire and no similar discussions about male students' attire.
- One female student reported that an adjunct faculty member told her she should smile because she looked better when she did so.

Many women discussed being subjected to comments about their weight:

- Several said they had been told to lose weight because being heavy purportedly would negatively affect their job prospects, even though similar advice was not provided to overweight men.
- One woman stated that she was advised to join Overeaters Anonymous or get gastric bypass weight loss surgery in the 2000s.
- Another woman reported that a student who was thin and conventionally attractive was told by a female leader at HUC in the mid-2000s that she needed to "fatten up" because she would not be taken seriously or offered a job.

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## 2. Allegations of Sexual Harassment

Numerous witnesses alleged being subjected to or witnessing varying degrees of sexual harassment, ranging from claims of inappropriate jokes, to unwelcome touching and groping, to unwelcome invitations for romantic or sexual encounters, to actual sexual behavior. While witnesses reported more egregious conduct by faculty members from 1970 to 2000, we also received credible reports about faculty members' more recent inappropriate conduct and failure to respect personal boundaries.

In addition to conduct described in Section III.C, the following are specific allegations of misconduct.

- A student stated that in the late 1980s, a faculty member reached his hand up a student's skirt and stroked her legs.
- Another student reported that a professor harassed a classmate by opening his door to her while completely naked, making sexual innuendos, and attempting to touch her.
- Students in the 1970s and 1980s reported that one faculty member intentionally stood close to women and inappropriately touched them, particularly in the elevator, and attempted to kiss female students.
- Other female students from the 1980s through the present reported incidents of faculty members forcibly kissing and/or groping students, offering to give a female student massages, staring at female students' chests, or looking down their blouses. One professor reportedly said to students that he had officiated at a wedding and could not keep his eyes off the bride's cleavage.
- Other students said that, during meetings, certain professors flirted with them, asked them inappropriate questions regarding their personal lives, shared inappropriate information with them regarding their own personal lives, invited them to engage in activities alone with them (including, *e.g.*, inviting a student to go to the professor's apartment alone), and/or verbally expressed disappointment when students did not reciprocate the flirtation or accept the invitation.
- Some students, including more recent students, reported that certain professors engaged in more subtle conduct, such as trying to spend time alone with students and asking them overly personal questions that made them feel uncomfortable and as if they were being "groomed."

As discussed below in Section III.B.1, numerous students said they believed they would face retaliation if they complained to faculty or the administration about this misconduct. They also felt they could not avoid interacting with the alleged harassers because of the constraints of curriculum and graduation requirements (certain classes were mandatory to graduate) and/or the need for placement assistance. Some students reported receiving negative evaluations, being subjected to verbal abuse, having rumors spread about them that damaged their reputations, or having their applications to HUC's graduate programs denied because they complained about being subject to harassing or inappropriate behavior.

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Some students reported sexual harassment by fellow classmates and asserted that such conduct was not always handled appropriately by the administration. For example:

- One student who graduated in the 2010s stated that when she reported that a classmate had made comments about her breasts and similar comments to other female classmates, the administration asked the complainant what they were supposed to do about it since it was just two weeks before graduation.
- Another female student described how a male student made inappropriate comments to her about the size of his penis during that same time period. This same male student also allegedly threatened and stalked another female student and harassed a third. Although multiple students complained to HUC administration about his behavior, he was nonetheless ordained.

In addition, a number of students reported experiencing sexual harassment while at their student pulpits, either during their homestays or from the rabbis who were supervising them. For instance:

- One student in the late-1990s stated that she was repeatedly harassed by a member of her student pulpit congregation and when she reported it to her HUC fieldwork coordinator, she was told essentially to “suck it up” and avoid being alone with the congregant.
- A former cantorial student stated that she was placed in a pulpit in the 2010s with a rabbi who was known by others in the Reform movement to harass women, and that the family she was staying with, as well as former students, repeatedly warned the cantorial student not to be alone with the rabbi. (According to the student, one of the former students already had reported the rabbi’s behavior to HUC.) The student stated that the rabbi commented on the student’s appearance and called her on the phone while he was intoxicated, making the student feel extremely uncomfortable. When the student reported this to her internship coordinator, the coordinator reported it to the HUC Dean, and the student was pulled from the pulpit. The synagogue investigated the rabbi’s behavior, finding that he had engaged in much more egregious conduct with other individuals.
- Another student, from the early 2010s, who was staying with a male congregant in connection with her student pulpit assignment, reportedly woke in the middle of the night to find the congregant standing over her bed, claiming he was “just checking on her.” When the student reported the incident to HUC, she was permitted to not stay with congregants and was told that HUC would not place other students in congregants’ homes, but she told us she later learned that HUC continued to do so.

We note as well that especially during the 1980s and 1990s, faculty members dated (and sometimes married) their students. Some witnesses reported that they perceived such behavior by faculty as leading to a permissive culture, which ignored the potential negative impact of such a power differential on the student being dated and/or other students.

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## 3. Allegations of LGBTQ+ Discrimination

Approximately 30 witnesses discussed discrimination against LGBTQ+ students and faculty members. Overall, former LGBTQ+ students described HUC's culture as one of silence, isolation, and exclusion, with a persistent lack of support and understanding. While the challenges facing LGBTQ+ students have evolved over time and generally have improved, some issues still remain.

In the 1970s to 1990s, students consistently and credibly reported that they felt they had to hide that they were gay and lived in fear that they would be found out, due to the perception that there was no tolerance of LGBTQ+ rabbis in the Reform movement. Specifically, students and prospective students feared they might not be admitted to HUC in the first instance or might be expelled from HUC if the school found out they were gay. For example:

- One professor, in an attempt to put an applicant at ease, allegedly explained that the interview was designed simply to weed out gay applicants. That applicant was (at the time) a closeted lesbian.
- Reportedly, another professor said openly in class that gay students should not be welcomed at HUC.
- Before HUC formally adopted a policy to admit LGBTQ+ students, an individual who participated in the decision to admit HUC's first openly gay student said that he was emotionally "brutalized" by HUC faculty members and accused of violating the ethics of the college.

Although there were no written policies regarding LGBTQ+ status, there were reports that individuals in power at HUC openly spoke out against LGBTQ+ students. According to several individuals who were students during that period, certain professors and HUC leaders (including the President who served from the early 1970s to the mid-1990s) announced they would refuse to sign gay students' ordination certificates or would never knowingly ordain gay students.

Students also described a psychological evaluation that was conducted in connection with students' applications, which allegedly was designed to identify gay and lesbian applicants for exclusion. Thus, even in the absence of any written policy that stated that LGBTQ+ students were not allowed to attend HUC, students felt that it was made very clear that gay students were not welcome and that they could face repercussions if they were to reveal their sexual orientation and/or gender identity.

In 1990, HUC declared for the first time that it would not discriminate against gay and lesbian applicants. Thereafter, as the institution's policies shifted slowly, and openly LGBTQ+ students began attending HUC, LGBTQ+ students reported that they nevertheless felt that they faced inappropriate and prejudiced comments and, at times, overt discrimination. For example:

- In the early 2000s, a faculty member allegedly asked an administrator to ask a transgender prospective student in a pre-admissions interview "what he had in his pants," but the administrator did not ask the question.

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- A witness told us that in the mid-2000s, the witness overheard one faculty member tell another that he was surprised that “the one who used to be a woman” (referring to a transgender student) got an answer right.
- An alumna who identifies as gay told us that in the late 1990s, a professor asked him during class “if anal sex hurt.”
- Another participant reported that during a mandatory Human Relations class in the late 1990s, the same professor said that homosexuality is a “human defect.”
- One person, who identifies as queer transgender and had that identity when they started rabbinical school, though they tended to dress in men’s clothing, said that in the late 1990s, a professor questioned if they were “psychologically healthy” enough to continue studying. The professor also reportedly told this witness that they were a lesbian only because they “had not met the right man” and “needed to experience intercourse with a good man,” and that the student was obsessed with having a penis because the student wanted one. In addition, the professor supposedly said no one would ever hire the student if they did not adhere to social norms.
- Some students and a faculty member also noted that they were publicly “outed” by others, including professors, without their permission.
- A student reported that in the mid to late 1990s, when a former Dean made grotesque homophobic remarks in a professional development class on pastoral care for people with AIDS, the President of HUC joked that was the price for gay people’s admission to the HUC.

Even after HUC began officially to accept LGBTQ+ students, some professors reportedly continued to declare that they would not sign the students’ *smichot* (ordination certificates), with no ramifications from HUC for their statements. Witnesses reported that one professor in particular asked students who were gay to identify themselves to him so that he would know not to sign their ordination papers. Witnesses told us they found this professor’s use of a theological framework to justify and validate his actions particularly hurtful.<sup>4</sup>

Witnesses perceived that these negative views about the ordination of LGBTQ+ students were widely known amongst faculty and administration, and they interpreted the administration’s inaction as tacit approval that discrimination against gay people was permissible at HUC.

Additionally, some students, faculty, and administrators noted that HUC was slow to adopt non-binary bathrooms and that there are currently an insufficient number of such bathrooms on HUC’s campuses.

A current student said they continue to face criticism for and resistance to their dress, appearance, and name and pronoun preferences. Students and administrators report that some faculty

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<sup>4</sup> In 2014, the professor ultimately “confessed,” as he put it, that he had been wrong when he adopted his stance on rabbinical ordination for gays and lesbians. The professor invited a former student – a gay rabbi whose *smicha* he had refused to sign at the time of the rabbi’s ordination – and publicly signed the *smicha* before students and family members.



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members and administrators sometimes use the incorrect pronouns or a student's "dead" name, or do not participate in training on these issues. Additionally, recent students and administrators assert that certain administrators involved with the name change process in the Student Information System have made it unnecessarily difficult for students to change their names or pronouns, including on their ordination certificates, despite there being no policy in place that states that students must use their legal name or gender assigned at birth. One administrator involved with the name change form allegedly likened a student's repeated requests to change their preferred name to asking to be referred to as "Bozo the Clown." Finally, students told us that in Jerusalem, especially, there is resistance to addressing, and a tendency to dismiss, gender identity issues.

## **4. Allegations of Bullying and Disrespect**

Numerous witnesses described various forms of bullying by faculty members and high-level administrators. These reports spanned the decades covered by this investigation. While these behaviors were not based on a protected class (like gender or LGBTQ+ status or race), they reportedly negatively affected students and faculty and allegedly continue to happen.

For example, some individuals recounted instances in which faculty members, including student mentors, revealed personal information about students publicly and used it against them, sometimes causing students to cry. Others described faculty members throwing or ripping up student papers and mocking or screaming at students, again bringing students to tears. Witnesses reported that HUC leadership was aware that certain professors screamed at or purposefully embarrassed students in public but did not effectively curb such behaviors or hold professors accountable.

## **5. Allegations Regarding Lack of Accommodations**

Some witnesses who were students in the mid-1990s through the present reported difficulties with obtaining accommodations for disabilities and pregnancy.

Students with disabilities told us they had not known whom to approach with requests for accommodations, had to fight to obtain needed accommodations, and/or encountered overt discrimination. Instances of discrimination included allegedly asking someone with a learning disability whether she was "smart enough to do rabbinical school," allegedly telling a student that the school did not want to admit her due to her disability and mobility issues, and allegedly telling a student with anxiety that "HUC can't accommodate the different needs of 51 students," referring to the number of students in the rabbinical class.

Several students reported that they were not provided adequate accommodations and/or were discriminated against for being pregnant or new parents. Such treatment reportedly included not supporting a woman who suffered from post-partum depression, not providing dedicated spaces to pump breast milk, not providing changing stations in the men's restrooms, and not providing accommodations to pregnant women during the job placement process.

## **6. Allegations of Racial Discrimination**

Some student and administration witnesses recounted incidences of racial discrimination or microaggressions, including a professor's use of the term "tar baby," a professor getting dressed

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in blackface during Purim, faculty and students mistaking students of color for support staff, and comments about students' countries of origin and parents' jobs.

Notably, we reached out to some people who allegedly experienced racial discrimination. They declined to be interviewed.

## **B. Observations Regarding Culture and Student Experiences**

During the course of our investigation, we heard certain themes repeatedly, which we summarize below.

### **1. Abuse of Power and Fear of Retaliation**

An overarching theme in many of the forms of misconduct reported is abuse of power by some HUC administrators and faculty members. HUC students reported that the power of the administrators and individual faculty members over students' professional futures manifested itself in myriad damaging ways, including perpetuating a culture of no consequences for bad behavior, chilling internal communication of complaints for fear of perceived or actual retaliation, fostering sycophancy, and considering subjective rather than objective factors in recommendations, honors, opportunities, and ultimately placements in the community. This behavior spanned the decades covered by this investigation.

Due to HUC's unique institutional role, HUC students reported that some leaders and faculty members have traditionally held and continue to hold a higher degree of power than those at other educational institutions. HUC is the sole seminary in the United States affiliated with the Reform Movement. As a result, faculty members' recommendations are critical for students' job placements. HUC faculty members and administrators have the power through their recommendations and contacts to provide enormous advantages and commensurate disadvantages to graduating students in terms of future assignments and career paths. It is not an exaggeration to say that one bad word from an esteemed HUC faculty member could mean the difference between getting a first-choice assignment or getting a far less desirable one, with concomitant long-term career and financial implications. As one student reported, students who complained were labeled "difficult" and there was an unspoken understanding that if you did raise a complaint, you were risking your ability to get a job upon ordination.

Moreover, many of the faculty members were or are leading intellectuals in their fields and were or remain revered for their scholarship, with far less importance placed on their interpersonal skills and general interactions with students or colleagues. Consistent with that power dynamic, many of the individuals who were reported to have engaged in misconduct also were described as being venerated on campus and in the broader community and deemed untouchable.

This power dynamic also enabled a culture of silent acquiescence due to fear of reprisal or retaliation – overt or subtle. Students from the 1980s to the present consistently expressed fear of being retaliated against if they were to complain about misconduct. Indeed, participants reported that they were expressly warned by faculty members that raising objections would harm their job prospects and standing in the Reform movement. In the words of one student, "If you pissed someone off, you ruined your career."

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We learned from our interviews that some students who spoke out during their time at HUC did, in fact, face negative repercussions for doing so. Recounting their experiences from the 1970s through the present, former students credibly reported being yelled at by Board members, faculty members, and/or administrative staff, being talked out of escalating complaints further, being threatened with losing job prospects if they pursued grievances, and having faculty members spread information about them that damaged their reputations in the broader Reform community.

Additionally, witnesses cited specific examples of faculty members and administrators performing gatekeeping functions by “blacklisting” certain students and otherwise preventing them from being ordained or obtaining certain jobs. Some also perceived HUC as holding job prospects over the heads of students to get them to tolerate misconduct.

Students also noted that faculty’s power of placement, often stemming from personal relationships with or other influence over senior rabbis in the congregations to which students applied for positions after graduation, tended to perpetuate undue favoritism – which they perceived as being to the general detriment of women, LGBTQ+ members and people of color. As explained in Section III.B.3. below, students continue to maintain a broad perception that personal connections and subjective criteria rather than objective performance-related criteria ultimately determined job placements.

## **2. Enabling and Protecting Those who Committed Misconduct**

Based on the numerous interviews we conducted, we found that the misconduct reported to have occurred on HUC’s campuses was exacerbated by a culture that tolerated the behavior and enabled it. Many students, and some faculty members, from the 1970s through to the present, said that the complaints they raised were not addressed or that HUC’s response was delayed or insufficient.

It is not possible to identify all the individuals who enabled the misconduct described in this report or to determine exactly who knew what when, or who could have taken more aggressive actions to address the misconduct. Many who were in power are now deceased. HUC no longer has contact information for others. Some individuals to whom we reached out declined to speak with us. Moreover, given the pervasiveness of the conduct described in this report – over fifty years and across four campuses – we had difficulty determining whose behaviors were sufficiently “enabling” as compared to others to be identified in this report. With that in mind, we named only those individuals that enabled the most egregious examples of misconduct. (See Section III.C. below.)

Other examples of enabling behavior include the following:

- Numerous students told us about a professor and former Dean of the NY campus who allegedly was well known for making homophobic and misogynistic remarks. A student told us that he and his classmates walked out of the professor’s class in the early to mid-1990s to protest the comments, and another told us there were lines of students outside administrators’ offices, waiting to complain about the professor’s behavior after class. The first witness told us that the then-Dean allegedly said that while the school was aware the professor was a misogynist, the professor was needed because of his fundraising skills.

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- One former administrator described a former HUC professor who was “cruel” and “really mean” and often made female students cry. When we asked the administrator why she did not do anything to address the situation, she acknowledged that she should have done more.
- Even after formally adopting a policy to admit gay and lesbian students to the rabbinical school, the HUC administration allowed a professor to continue his practice of not signing the *smichot* of gay and lesbian students. One former administrator told us that in retrospect, he wonders why he did not confront the professor about the practice directly.

In our interviews, former students described how their complaints were ignored or minimized with excuses such as: “you’re being too sensitive,” “that’s just how he is,” or “you must have misheard him.” Some students said that the people to whom they reported concerns often implied that those concerns were symptoms of the students’ own trauma and experiences or otherwise “gaslighted” them. Other students explained that, when they did report misconduct, they were told either not to make a formal complaint or pursue the issue further because doing so could hurt their careers, or that they needed to collect more information to support their allegations. There also were some reports that administrators indicated to students they had received no prior information or complaints about certain faculty members when, in fact, the records we reviewed make clear this was not accurate.

We asked former administrators why they did not do more in response to complaints of misconduct. They replied in myriad ways: they “did not know,” “it was a different time,” “in hindsight [they] should have acted differently,” there was a sense that trying to take action “wouldn’t make any difference and that these guys would do what they would do no matter what,” they were more focused on raising money and left the handling of such issues to others, they simply adopted whatever decisions the investigation committee recommended, or they felt they “couldn’t expose HUC’s secret.”

We did not uncover any evidence to suggest these administrators acted out of malice. Some were, and are, beloved members of the HUC community. In the moment, based on what we heard from some of them during our interviews, we surmise they believed they were doing the best they could given what they perceived as constraints on their response to allegations of misconduct, including tenure, relying on the judgment and recommendations of others, believing that they were protecting their students’ best interests, and social norms. Nevertheless, more effective communication and action could and should have been taken.

### **3. Culture of Favoritism Towards Men**

As noted, numerous witnesses, particularly those who were students in the 2000s and 2010s, expressed concerns that HUC fostered a culture of favoritism, in which some faculty members and administrators provided certain students with special opportunities and support to the exclusion of female and gay male students.

Numerous participants credibly reported that one faculty member maintained what other students openly called his “boys club” on the Cincinnati campus during that time frame. We received multiple and consistent reports that the rabbi – who because of his expansive network of connections had significant influence on internship and job placement – each year selected a group of male students whom he favored in a number of ways. The favorable treatment included,

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allegedly, taking them out to lunch or dinner, giving them chances to meet Board members and guest speakers, providing career advice, and using his influence to provide professional opportunities, despite the fact that his “boys” were not better qualified than similarly situated women. Multiple students, including several who believed they themselves had been favored, reported that these relationships allowed the favored students unequal access to opportunities, thus putting women at a disadvantage.

Other women (and some gay men) commented that straight men received favored treatment and that an old boys’ club mentality permeated all four campuses. As one former student explained, there was a tacit understanding that “success” looked like a married 29 year-old straight male rabbi who was handsome, bearded, and married to a wife who was pregnant or holding a toddler – or both.

## **4. Academic Gatekeeping That Impacted Women**

As the only educational institution of the Reform movement, HUC inherently serves a gatekeeping function in that students’ reputations and careers depend – at least in part – on their success at HUC. In the course of our investigation, a number of women alumni and faculty voiced related complaints about faculty members acting as gatekeepers and the negative impact of that behavior. For example:

- Several students reported that a faculty member expressly threatened to give certain students low grades or not allow them to be ordained if they complained about him or other faculty members.
- Several women faculty members from various periods reported that they had been criticized for researching or specializing in feminist issues. One woman reported that she was not ordained as a rabbi sooner because she came from a feminist background and was explicit about her views.
- A current lecturer believes she has been unable to obtain a tenure-track job in academia because she was the first person to complain about a certain HUC faculty member.

## **5. Tone at the Top – Board of Governors**

Several witnesses discussed what they perceived to be a disrespectful culture at the Board of Governors during the past decade. Individuals reported that Board members are “abusive” to one another and to others.

For example, one student reported that in 2016, she was encouraged by a staff member to draft a letter regarding potentially discriminatory treatment of students by faculty members (*e.g.*, microaggressions and inappropriate touching) and to present that letter verbally to the Board. The student claims to have been subjected to backlash from the Board and two HUC leaders in response to her presentation, even though she had worked with a Dean to prepare the presentation.

A person who recently left the Board explained that some men on the Board reacted by expressing shock and disbelief at the student’s depiction of microaggressions and misogynistic behavior –

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despite the fact that multiple female administrators in the room said they had experienced similar behavior. According to the former Board member, some of the men on the Board focused unduly on liability issues rather than the student's message and verbally attacked the student after her presentation.<sup>5</sup> The witness remarked that issues with the faculty "go all the way to the top." The witness further noted that, without additional training, sensitivity, and thoughtfulness regarding who will join the Board, the culture of the Board (and, by extension, HUC) will not change.

Finally, we heard reports that one prominent former Board member sexually harassed faculty and staff in the 2010s, including inappropriately touching them, telling off-color jokes, and making offensive comments about appearance and dress, and disparaging remarks about women. For example, one administrator told us that at a dinner in 2018, the former Board member told a crude joke that denigrated women. Another witness relayed a series of uncomfortable physical interactions, and another said the former Board member made disparaging comments about a hypothetical unemployed person who would "sit around drinking and watching pornography." The witness who attended the dinner also reported that this former Board member claimed to quote the HUC Board Chair at the time as saying that she "didn't think the next president [of HUC] could be a woman." The former Board member then allegedly said, "The optics of having a female president would make it difficult politically for the president to be effectual in Israel."

## 6. Differences in Campus Cultures

While most of the themes discussed in this report occurred across all four HUC campuses, many participants noted differences among the four campuses.

- **Cincinnati.** While Cincinnati is lauded as the center of scholarship and academia, many described it as having an engrained culture of favoritism and politics and as being the center of the "old boys' club" mentality at HUC. Former students and faculty noted that historically, there were very few openly gay students who elected to go to the Cincinnati campus and that there are fewer female faculty members there than on other campuses due to a reported history of gender discrimination.
- **New York.** The New York campus is viewed as having a strong leadership presence and a large Jewish community with lots of opportunities in the area. Due to the fact that the campus it is a commuter campus, the broader New York community informs the culture more than the actual campus does. Students reported that there was and is a culture on the campus of everyone competing to see who could work the hardest and be the busiest. Students also reported that the old boys club mentality existed among the older faculty, but not the younger faculty.
- **Los Angeles.** Overall, most interviewees spoke highly of the Los Angeles campus. Many see the community as vibrant and more supportive than the other campuses and the faculty members are viewed as being more invested in the students' happiness and success. However, some of the more egregious behavior described in this report occurred on the Los Angeles campus, which is inconsistent with the positive culture that many others described.

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<sup>5</sup> Records reflect, however, that the Board discussed the student's remarks and the administration's response in a subsequent Board meeting.

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- **Jerusalem.** In Jerusalem, there were heightened reports of discrimination, particularly with respect to LGBTQ+ individuals, failure to accommodate disabilities, and racism. The culture of bullying is viewed as of particular concern in Jerusalem.

## 7. Pain and Guilt

The pain that many witnesses have harbored based on their experience at HUC – some for decades – was palpable. Many witnesses broke down in tears, while others commented on the years they have spent in therapy.

One witness, who has had numerous conversations with victims of misconduct over the past six months, told us that he has been struck by the hurt that so many individuals have held onto over the years, which “has been beyond what [he] thought was imaginable.”

Many former students and some faculty also expressed hurt and frustration over seeing laudatory obituaries and publications praising individuals whom they knew to have engaged in repeated misconduct.

Moreover, some former students who experienced or witnessed discrimination or harassment during their time at HUC acknowledged that they felt guilty that they did not do more to protect future generations of students from the experiences they had endured. Many viewed this investigation as their opportunity to speak out about the mistreatment they had experienced or witnessed and to push for changes and reparations that they believed to be long overdue. In the words of one former student, “It is the humiliation of the women students that I couldn’t prevent that really still haunts me.” Another former student, from the earliest cohort of women at HUC, remarked that at the time she was still a student, “it did not occur to me to complain because it was not obvious to me that what happened was wrong.” Even years later, when she said to her friends in leadership positions at HUC at the time that she regretted not reporting the harassment, they responded that it would not have mattered because they would not have understood her concerns.

## 8. Reporting and Record-Keeping Concerns

Many witnesses, including faculty members, said they were not aware of HUC’s policies or procedures for reporting misconduct and that the procedures have changed over time. Our investigation showed that complaints were not consistently dealt with effectively and, due to students’ fear of retaliation, misconduct likely has been underreported.

Additionally, we uncovered issues with record-keeping with respect to complaints and investigations, which may be due in part to significant turnover in the Human Resources and Title IX offices.

The record-keeping problems we observed include the following:

- Records were not and often still are not centrally located or easily retrievable.
- Records are not kept in an orderly and/or searchable form.
- Confidential files of importance are maintained by individual deans in separate buildings and access to those documents is severely limited.

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## C. Repeated Credible Allegations of Misconduct

In this section, we discuss certain individuals whose alleged misconduct we determined to warrant individual examination, either due to the seriousness of the alleged behavior, the number of witnesses who complained about the individual, or both. Several of the specific incidents described below demonstrate how HUC's harassment prevention and response procedures worked (or did not work) in practice, and they further illustrate some of the previously-discussed themes that arose during our investigation. Where we had documentation or corroboration of HUC's response, we also named the administrators and faculty who responded to the misconduct.

### 1. Dr. Steven Cohen

Dr. Steven Cohen was a Research Professor of Social Policy at HUC's New York campus from 2005 to 2018. Dr. Cohen resigned from his tenured faculty position at HUC in 2018 – during the height of the #MeToo Movement – after seven women came forward with allegations of sexual assault and harassment against him.

Only one witness talked about her interactions with Dr. Cohen during our investigation. However, we were able to review documents from HUC's internal investigation as well as multiple articles published in 2018. The women accusers (only one of whom was an HUC student) alleged that Dr. Cohen had engaged in a pattern of sexual harassment throughout his career, including forceful kissing, physical contact with intimate body parts, unwelcome sexual propositions and advances, and inappropriate sexual remarks. In a public statement, Dr. Cohen did not deny the allegations and apologized for his conduct.<sup>6</sup>

#### **HUC's Contemporaneous Response:**

HUC conducted an investigation as soon as it learned of the allegations. Dr. David Ellenson was the President of HUC at the time. The investigation concluded that Dr. Cohen violated several HUC policies by engaging in nonconsensual, sex-based physical contact with the accusers. Findings related to the conduct of a tenured faculty member such as these normally would have warranted referral to the academic administration for consideration of appropriate discipline or other corrective action. However, Dr. Cohen resigned from his employment by the time the investigation ended, and therefore no disciplinary actions were taken.

The witness who spoke with us about Dr. Cohen expressed her belief and concern that HUC had not completed its investigation into the allegations against Dr. Cohen. We confirmed that HUC had, in fact, completed its investigation. The perception to the contrary may reflect a breakdown in communications between HUC and the involved individuals at the conclusion of the investigation. This witness also expressed concern that, even after Dr. Cohen's misconduct became public, HUC distributed to its alumni an anthology that contained an article by Dr. Cohen. (The anthology was edited by two former HUC administrators – Dr. David Ellenson and Dr. Michael Marmor. It was not, however, published by HUC.)

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<sup>6</sup> Hannah Dreyfus, "Harassment Allegations Mount Against Leading Jewish Sociologist," *The New York Jewish Week*, July 19, 2018.



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## 2. Dr. Michael Cook

Dr. Michael Cook, now deceased, was a Professor of Philosophy at HUC's Cincinnati campus. He was ordained in 1970, appointed full professor in 1981, and retired in 2019. At least ten witnesses shared with us concerns about Dr. Cook's misconduct, including alleged participation in long-term romantic or sexual relationships with students, as well as alleged harassment, hostility, and lack of support towards women on campus.

Witnesses shared several examples of Dr. Cook dating female students during his tenure at HUC. For instance, one woman reported that she had a sexual relationship with Dr. Cook while she was a student at HUC in the late 1970s and early 1980s. She explained that Dr. Cook invited her to his office to discuss a test she had failed, and the relationship turned into one in which they repeatedly had sex in his office over the course of the next three and a half years. This witness remembered being uncomfortable about the idea of having sex in Dr. Cook's office and also about the fact that he was married. However, she told us she did not feel she was coerced into having sex with Dr. Cook, although she recognized the significant power imbalance between them. The witness told us her relationship with Dr. Cook ended when he began dating another HUC student, whom Dr. Cook later married.

Another witness reported being subjected to unwanted sexual advances from Dr. Cook. She told us that Dr. Cook harassed her throughout her fellowship at HUC in the mid-1980s. She said he frequently made comments about her appearance, once asking her to "twirl around" in order to show everyone in the room her outfit. She relayed one incident in which Dr. Cook pressured her to join him for dinner and drinks and allegedly told her, "I won't take no for an answer." In another incident, she reported that Dr. Cook allegedly "trapped" her in his office and told her they had chemistry that they ought to be acting on, and he got angry when she rebuffed him. Dr. Cook allegedly told her HUC was creating a job with her in mind and that he would be the chair of the search committee. The witness interpreted this as Dr. Cook threatening her career.

Witnesses also told us that Dr. Cook said "inappropriate" things to them, and we reviewed an administrator's summaries of their complaints that confirmed what they told us. For example, one former student reported that, while Dr. Cook was her thesis advisor in 2000, he became very interested in her personal life – for example, whom she was dating, how she looked, and how she "comported" herself. Another former student reported that Dr. Cook made comments that fell outside the parameters of the usual teacher-student relationship in the early 2000s, including comments about her appearance and her personal life. Another alumna complained that Dr. Cook paid too much attention to her during the mid-to late 1990s, commented inappropriately on her appearance and dress, and made her feel uncomfortable. She also said that, at ordination, Dr. Cook hugged and kissed her without her consent, whispered "welcome home," and gave her a Hershey's kiss in a box, with a "cryptic" note.

Two of the students said Dr. Cook made them so uncomfortable they ended up switching advisors. One of the students said that, when she eventually informed Dr. Cook that she was doing so, the two of them got into a "screaming match" in the middle of the hallway. This student said she eventually left the PhD program.

On the other hand, another alumna had warm and positive things to say about Dr. Cook, describing him as a mentor and saying that he never made her feel uncomfortable. She told us that it was her impression that Dr. Cook was being paternal and trying to help people, but she

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said she understood how some things he said could have been construed as offensive. From her perspective, "he may have stepped in places where he thought he was helping people out, but he wasn't."

Three witnesses said that Dr. Cook was not accommodating to pregnant women or mothers at HUC. For example, Dr. Cook allegedly instructed one pregnant student who could no longer fit at her desk to sit on the floor of the classroom instead of offering other seating, and he allegedly told her that "this was [her] problem" to deal with. Another student reported that Dr. Cook suggested that she could not focus on her doctoral education because she had children. Along the same lines, another witness reported that Dr. Cook told her she would never be a good rabbi because she had children.

We also heard that Dr. Cook frequently made misogynistic jokes and comments. In addition, Dr. Cook was consistently described as possessive and controlling, and as someone who did not like to be challenged. Witnesses reported feeling that Dr. Cook retaliated against them for disagreeing with him. One of the former students described above reported to us that Dr. Cook confronted her "like a jealous boyfriend" when she did not take courses with him one year. Another witness reported that Dr. Cook refused to sign their ordination papers, which they viewed as a retaliatory response to challenging or rejecting Dr. Cook's advances.

Finally, Dr. Cook was named in a gender discrimination lawsuit filed by a woman faculty member who was denied promotion and thus not considered for tenure. In connection with the lawsuit, an expert on gender discrimination in academia found that HUC's procedures for evaluating faculty for promotion and tenure were flawed and biased against female professors.

## **HUC's Contemporaneous Response:**

Our interviews did not reveal any instances of students reporting their sexual relationships with Dr. Cook to the College.

The witness who reported receiving unwanted sexual advances from Dr. Cook told us that she complained to the then-Director of the School of Graduate Studies. According to the witness, the Director told her that he wished he could do something, but his hands were tied and there was nothing he could do.

The three women who alleged that Dr. Cook said inappropriate things to them raised their concerns with Cincinnati Dean Kenneth Ehrlich. According to Dean Ehrlich's deposition testimony in unrelated litigation, two of the students told Dean Ehrlich that Dr. Cook made them "uncomfortable," and that they felt Dr. Cook's comments fell outside faculty/student boundaries. Per the deposition transcript, the third student told Dean Ehrlich that Dr. Cook made statements that might make some students uncomfortable, and that she thought Dean Ehrlich should know. According to the transcript, each woman, declined to file a formal complaint under the school's sexual harassment policy, although one student asked that the Dean talk to Dr. Cook, which Dean Ehrlich did. Dean Ehrlich testified that he did not discuss the other two students' complaints with Dr. Cook nor take any other action with respect to the complaints.

In 2017, one of the former students posted on the CCAR Facebook page about her experience and that of one of the other students. Then-President Aaron Panken and then-Provost Michael

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Marmur reached out to the women, which the women told us they appreciated. The women drafted a letter to Dr. Cook, and Dr. Panken reportedly read the letter out loud to Dr. Cook.

In the case of the professor who was denied a promotion (and therefore tenure), and as mentioned above, an expert found HUC's procedures for evaluating faculty for promotion and tenure flawed and biased against female professors. HUC subsequently revised its procedures to include an appeals process if there was evidence that bias played a role in a reappointment, promotion, or tenure decision.

### **3. Dr. Alfred Gottschalk**

Dr. Alfred Gottschalk, now deceased, was Dean of HUC's Los Angeles campus from 1959-1971, President of HUC from 1971-1996, and Chancellor from 1996-2000. Seven witnesses reported allegations involving Dr. Gottschalk's inappropriate sexual conduct towards them. A very consistent pattern of alleged misconduct emerged from our witness interviews: Dr. Gottschalk allegedly invited women to his apartment or hotel room, usually under the guise of some academic purpose, only to proposition the student and touch or kiss them.

For example, one witness told us that while she was studying in Jerusalem in the mid-1970s, Dr. Gottschalk "summoned" her to his apartment. She stated that he offered her a drink and subsequently took her hand and placed it on his penis. He allegedly told the student, "Look what you do to me," referring to his erection. The student left Dr. Gottschalk's apartment immediately. Dr. Gottschalk allegedly continued to contact the student after the incident, repeatedly requesting that she return to his apartment, and on one occasion asked her to spend the weekend with him. The student said that she ignored Dr. Gottschalk's messages. The student shared that she was sorry that she never reported this incident because she believes it could have stopped this from happening to other women. She explained that she did not come forward at the time because she feared retribution.

Another witness, who was a staff member living on the Jerusalem campus in the late 1980s, described an evening gathering in Dr. Gottschalk's apartment. She said that, as people started to leave, Dr. Gottschalk told her that he wanted to show her photos. He then allegedly pushed her up against the wall and tried to kiss her. She said that she pushed him away and told him that she had to go, but he grabbed her by the arm and pinned her again against the wall and tried to put his tongue down her throat. She said she escaped and ran downstairs to her apartment. The next day, she stated that he called repeatedly, sent flowers, and asked her when she was coming back to see him.

In the early 1990s, another student, who was a recent college graduate at the time, told us that Dr. Gottschalk approached her at the HUC Library in Jerusalem and asked her out on what she said was clearly a date. She said she was horrified and said "no" as politely as she could. He reportedly approached her a second time that day and again she said "no." She remembers feeling like she needed to escape and did everything she could to avoid him the rest of his time in Jerusalem. This student told "one trusted faculty member."

Another alumna told us that, during her first year in Jerusalem, Dr. Gottschalk would invite the student to his apartment, tell her how lonely he was without his wife, and put his hands on her knees or across her shoulder, which made her very uncomfortable. She reported that Dr. Gottschalk invited her to his flat four or five times that year, and she felt that she could not say

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no. On one of those occasions, Dr. Gottschalk allegedly came up to her and wrapped his arms around her and asked, "Don't you want to stay? You can help me feel better and make me less lonely." She told us that, in the United States, while she was still a student, she ran into Dr. Gottschalk at CCAR and URJ conferences. Dr. Gottschalk would allegedly call her hotel room to ask if she wanted to come to his room or meet him in the bar. Years later, the alumna reportedly heard from one former faculty member and the wife of another faculty member that all the faculty knew about Dr. Gottschalk's behavior.

A female witness told us that, when Dr. Gottschalk presented her with her doctorate certificate at graduation, he "planted a big, lingering kiss on [her] mouth." She said no one spoke to her about it and she never mentioned it to anyone. She said, "It was like everyone went blind." She reported that she often passes a bust of Dr. Gottschalk and has fantasized about spitting on it.

Despite the seemingly prevalent allegations of Dr. Gottschalk's misconduct, we did not find any documents evidencing that Dr. Gottschalk's conduct was ever reported to anyone in the administration or the Board. (As one witness pointed out, it was hard to know to whom to complain when the President of the school was the wrongdoer.) Some witnesses told us that women considered filing a joint complaint, but they said they were scared to do so given the possible impact on their careers.

## **HUC's Contemporaneous Response:**

A number of witnesses told us that Dr. Gottschalk had a well-known reputation as a womanizer, that they were advised to stay away from him, and that HUC leadership knew about his behavior but chose "to turn a blind eye." A witness recalled a professor on the Jerusalem campus saying something to the effect of, "Everyone knows Dr. Gottschalk brings girls to the apartment all the time." Many female witnesses expressed discomfort with the fact that Dr. Gottschalk had ordained them given his reputation as a "known harasser."<sup>7</sup>

As noted above, a number of different faculty members allegedly were aware of Dr. Gottschalk's behavior. We were told that one faculty member conducted a private ordination for a female rabbinical student who had been harassed by Dr. Gottschalk and did not want to be ordained by him.

Nevertheless, there were no mentions of Dr. Gottschalk's behavior in his personnel file, and we did not locate any investigative or disciplinary files about his conduct. Similarly, while a number of administrators told us they had heard rumors of Dr. Gottschalk's behavior, only one administrator or Board member with whom we spoke acknowledged having first-hand knowledge about Dr. Gottschalk's treatment of women.

That administrator explained that a student told him about her experience in Jerusalem with Dr. Gottschalk, and she asked the administrator to tell Dr. Gottschalk to stay away from her. (Dr. Gottschalk was Chancellor at the time.) The administrator warned Dr. Gottschalk to stay away from the student, which Dr. Gottschalk apparently did.

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<sup>7</sup> Rabbi Patricia Karlin-Neumann, A WRN Yarn, Dec. Newsletter 2020 – Tevet 5781, (Women's Rabbinic Network, New York, N.Y.), Dec. 22, 2020.

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## 4. Dr. Stephen Passamaneck

Dr. Stephen Passamaneck, now deceased, was a Professor of Rabbinic Literature at the Los Angeles campus. He was appointed to full professor in 1971 and retired in 2013. Roughly 20 witnesses reported allegations of misconduct by Dr. Passamaneck.

A consistent theme was that Dr. Passamaneck reportedly singled out women students to humiliate and alienate during class with commentary of a sexual nature. We heard several examples of Dr. Passamaneck calling on female students, who often were the only woman in a class of men, to read out loud passages from the Talmud that discussed subjects such as women's virginity, how a woman's hymen is broken, the age at which women are old enough to have sex, the appearance of women's genitalia, and other sexually related topics. Students, both men and women, felt that Dr. Passamaneck's behavior was intentionally directed towards women to make them uncomfortable.

In addition, witnesses reported that Dr. Passamaneck propositioned students. One former student said Dr. Passamaneck asked her out after every single class. Another former student referred to her one-on-one meetings with Dr. Passamaneck for her independent study course as "Sexual Harassment Wednesdays" and told us he asked her what it would take to convince her to date him.

Several witnesses also referenced Dr. Passamaneck displaying pornography on his computer and regularly carrying a gun on campus. They also described him as "terribly foul-mouthed" and "raunchy."

### **HUC's Contemporaneous Response:**

We reviewed six documented instances of unprofessional conduct by Dr. Passamaneck similar in nature to what we heard from witnesses. The files we reviewed, which ranged from 1987 to 2010, indicated that numerous administrators were aware of, yet took little action to address, Dr. Passamaneck's inappropriate behavior. Specifically:

Documents show that in 1986 and again in 1987 (the second time in writing), Rabbi Lee Bycel (then Dean of the LA Campus) and Rabbi Uri Herscher (then Vice-President of HUC) counseled Dr. Passamaneck not to bring a gun on campus. However, Dr. Passamaneck reportedly continued to bring a gun on campus without further censure.

In 1993, Dr. Passamaneck was disciplined for violating the sexual harassment policy when he reportedly told a staff member she looked like a "French whore." HUC conducted a formal disciplinary hearing to assess the appropriate response in that case and issued a verbal and written warning, finding Dr. Passamaneck to have violated HUC's staff handbook's "Guide to Personal Conduct." In the written warning, Dr. Lewis Barth and Rabbi Sheldon Marder, co-chairs of the disciplinary hearing committee, noted that "this is not your first violation of the Guide to Personal Misconduct," although we could not identify the prior violation(s) to which they were referring. In addition to the written warning, Dr. Passamaneck was required to attend six counseling sessions.

Documents show that, in 1999, a group of students raised concerns about Dr. Passamaneck's behavior, describing it as "terroristic," "harassing," "humiliating," "denigrating," and marked by

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“unpredictable mood swings resulting in a tense, unstable atmosphere.” Those documents show that Dr. Barth shared the concerns with Provost Norman Cohen and HUC’s counsel, and a post-it note suggests that President Sheldon Zimmerman was aware of the situation as well. In a document in the file, an unnamed administrator acknowledges that “there is a pattern of harassment in [Dr. Passamaneck’s] class, directed primarily (but not exclusively) at women.” We found no documents reflecting any corrective actions taken in response to Dr. Passamaneck’s conduct at that time.

Documents further show that, in 2002, an IT staff member, who had been called to fix Dr. Passamaneck’s computer, noticed that approximately two thirds of the websites recently visited on that computer were pornographic in nature. She took a screen shot of the history and shared it with Dr. Barth. She also reported that she was uncomfortable going into Dr. Passamaneck’s office, explaining that Dr. Passamaneck tended to stare at her chest when she spoke with him. Dr. Barth said he would have a conversation with Dr. Passamaneck. For a while afterwards, Dr. Passamaneck’s interactions with the staff member were professional. However, a year and a half later, per the staff member’s complaint, Dr. Passamaneck asked for her assistance opening an attachment to an email, warning her it would be “salacious.” The staff member reported this interaction to Dr. Barth, who again talked to Dr. Passamaneck. This time, documents show, Dr. Barth required that Dr. Passamaneck apologize to the staff member in writing and promise not to be in his office whenever she needed to service his computer.

In 2006, a group of students wrote a letter to Rabbi Richard Levy, Professor Sara Lee, and Dr. Steven Windmueller (then Dean), which raised concerns that Dr. Passamaneck told sexual jokes in class, made women read uncomfortable and humiliating texts aloud, and otherwise taught topics that “demonize women and women’s sexuality.” A contemporaneous email shows that Dr. Windmueller reached out to Provost Norman Cohen. There is also a note to the file documenting that Dr. Windmueller and Rabbi Levy held an informal discussion with Dr. Passamaneck, instructing him to be more open to student concerns. Dr. Passamaneck reportedly said he would “deal with [the issues raised in the complaint] in his own way,” offering no specifics. We found no evidence of any further remediation.

In 2010, a female student filed a formal grievance specifically alleging sexual harassment, after reportedly seeing pornography on Dr. Passamaneck’s computer and hearing Dr. Passamaneck subsequently make a joke about “naked ladies.” A professor sitting across the hall saw Dr. Passamaneck’s computer and filed a formal grievance as well. In this instance, the complaints were formally investigated, and a formal hearing was conducted. The grievance review panel – Rabbi Levy, Professor Rachel Adler, and two students – concluded that Dr. Passamaneck violated HUC’s sexual harassment policy in several respects. Dr. Passamaneck appealed the findings, but the appeal was denied. In response to the findings, Dr. Passamaneck was “sanctioned” by no longer being permitted to teach any required “core” courses or independent study courses that required one-on-one instruction to students. He also was directed to refrain from making sexually degrading comments or jokes or displaying sexual images on his computer. Dr. Passamaneck, however, was allowed to stay on campus and teach elective courses with two or more students until his retirement in 2013.

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## 5. Bonia Shur

Bonia Shur, now deceased, was Director of Liturgical Arts and Music at HUC's Cincinnati campus from 1974 to 2003. We heard from three witnesses that Shur engaged in sexual misconduct, including inappropriate touching, forced kissing, and sexual comments.

In the early 1980s, a female rabbinical student joined the choir on Cincinnati's campus, directed by Shur. She reported to us that in her time in the choir, Shur attempted to touch her, despite her resisting him, and made sexual innuendos and subtle sexual comments to her. This witness reportedly felt so uncomfortable that she quit the choir, even though choir was important to her. She said a classmate asked her why she quit, and when she told her classmate what happened, the classmate allegedly said, "That's just Bonia."

The witness told us that her classmate (now deceased) told her a story about how she once knocked on Shur's hotel room door, and he allegedly answered the door completely naked.

Another former student reported that in the late 1980s or early 1990s, Shur invited the student to listen to music in his studio office. The witness stated that while they were alone in his office, Shur forcibly kissed her. She stated that when she pushed him away, he did not force himself on her further, and he said nothing when she walked out of his office.

### **HUC's Contemporaneous Response:**

According to the witnesses, they never reported any of these incidents to HUC.

One administrator, who was part of the Cincinnati leadership team during Shur's tenure, told us "Bonia was crazy," but he expressed surprise that witnesses had reported allegations of sexual misconduct. We were not able to determine whether the administration or faculty knew or should have known about Shur's conduct.

## 6. Rabbi Sheldon Zimmerman

Rabbi Sheldon Zimmerman was an adjunct professor at HUC from 1980 through 1985 and then HUC President from 1996 until 2000. We heard from many witnesses that they believed their ordinations were tainted because Rabbi Zimmerman had ordained them.

In the 1980s, while he was an HUC adjunct and also Senior Rabbi at Central Synagogue in New York City, Rabbi Zimmerman entered into and continued for several years an inappropriate sexual relationship with a young woman that began while she was his student at HUC.

Rabbi Zimmerman abruptly resigned from HUC in 2000, after being suspended from the CCAR for violating guidelines on "sexual ethics and sexual boundaries." The suspension, resulting from an inquiry by the CCAR Ethics Committee, prohibited Rabbi Zimmerman from serving as a rabbi in any Reform synagogue or institution for at least two years (a prohibition that ultimately lasted four years).

In a letter to its congregation in late April 2021, Central Synagogue stated that outside counsel had conducted an investigation of Rabbi Zimmerman and had concluded that (1) he began an inappropriate relationship with a Central Synagogue congregant in the 1970s, which lasted for

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many years and which included sexual contact while she was an underage teenager; and (2) he engaged in an inappropriate sexual relationship with another young woman, also a congregant, as described above.

We found no evidence that CCAR ever notified HUC regarding Rabbi Zimmerman's ethical violations or that he engaged in misconduct while he was president of HUC.

## **HUC's Contemporaneous Response:**

According to the witnesses with whom we spoke, Rabbi Zimmerman informed them that he was leaving because of "some boundary issues" that happened many years earlier. We found no evidence that CCAR advised HUC about the reason for Rabbi Zimmerman's suspension, nor evidence that HUC took any action after Rabbi Zimmerman's departure.

## **IV. RECOMMENDATIONS**

In this section, we provide our recommendations for HUC to move forward in response to our investigative findings and observations. In particular, we provide our thoughts on how HUC can 1) engage in the process of *teshuvah*, or repentance; 2) prevent the behaviors described in this report from recurring; and 3) develop and implement clear policies and procedures for reporting, investigating, and remedying misconduct.

In investigations of this nature, we typically ask witnesses for their views on the desired outcome and measures that could positively impact the organization. Many of our recommendations reflect the feedback we received. This is especially true for the section on *teshuvah*.

### **A. Engage in the Process of *Teshuvah***

Many of the witnesses told us they want HUC to acknowledge their experiences and the pain they caused, express a commitment to change, and announce a clear action plan for how such changes will be implemented. They want a public apology from current *and former* leadership, including the administration and the Board of Governors.

Witnesses also want transparency, an opportunity to tell their story publicly, and public recognition of the wrongdoing that occurred.

We recommend that HUC take the following actions:

- 1. Engage in a truth and reconciliation process.** Our investigation and report are a first step toward truth and reconciliation and, to that end, we recommend that HUC consider making the report public. HUC might also consider creating a forum in which individuals who wish to come forward and tell their stories publicly are provided the opportunity to do so, and members of the current and former administrations, as well the current and former Board of Governors, could thank everyone who came forward and acknowledge their experience and pain. HUC also may wish to provide an opportunity for the victims to record their stories or provide documentation that could be housed at the American Jewish Archives and made publicly available.



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2. **Conduct an optional reordination ceremony, or something similar, for those who were ordained by known harassers.** Such a ceremony would provide closure and healing to those who believe their original ordinations were “tainted.” HUC also should consider posthumously ordaining Helen (Leventhal) Lyons, the first woman in the United States to complete the entire course of study (in 1923) at a rabbinical school, the Jewish Institute of Religion in New York. Additionally, HUC should consider awarding alumni and faculty who came forward during this investigation (and are willing to be recognized) with the Joseph Prize, a specialized *teudah*, or some other recognition for their courage and fortitude.
3. **Remove endowed chairs, statues, and other public recognitions that memorialize or honor wrongdoers.** The campuses are replete with tangible reminders of some of the wrongdoers, in the form of endowed chairs, scholarships in their names, statues, and anthologies. We recommend that, in some instances, these honors or memorials be removed. In other instances, it might be more appropriate to include an asterisk next to the person’s name and an acknowledgement of what was discovered during this investigation.

## **B. Take Proactive Steps to Prevent Such Behavior From Recurring**

Numerous witnesses felt that HUC could have done more to prevent the misconduct that was described to us during our investigation. As HUC processes the findings of this investigation and charts a path forward, we recommend:

1. **Conduct a culture assessment.** The vast majority of students and faculty that we spoke with are no longer at HUC. Indeed, only four current students, 14 current faculty, and 12 current staff members requested to speak with us – and at least two current students declined to speak with us out of fear of retaliation. Consequently, while we can offer some recommendations based on what we heard, we do not have a complete picture of what life on the various campuses looks like now. To develop a more strategic action plan, we recommend an assessment of HUC’s current climate and culture. Such an assessment would include a quantitative survey available to all students, faculty, and staff; focus groups at the individual campuses; and individual interviews. (We note that the Presidential Task Force on Safe and Respectful Environments recently conducted a high-level review of the campus climate, but we recommend a more in-depth review.)
2. **Set forth clear expectations regarding behavior and hold people accountable when they do not comply with such expectations.** Ensure that there are clear rules prohibiting harassment, discrimination, bullying, and disrespectful conduct and clear directives regarding respectful conduct. Enforce these rules and directives consistently and, when individuals are found to have engaged in misconduct, hold them accountable for their actions through proportionate corrective action.
3. **Conduct training on creating a culture of respect.** While HUC conducts some training now, it appears to be scattershot at best. We recommend that HUC develop an in-depth curriculum – for students, staff, faculty and Board members

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– on creating a culture of respect, which should be developed and implemented by experts in the field and provided on a regular basis. Such training should include issues such as embracing diversity (in all of its forms) within the Jewish community, implicit biases, identifying and responding to microaggressions, bystander intervention, providing feedback, and boundaries and consent. Training regarding boundaries and consent should include not only consent to sexual contact but also consent to perceived friendly interactions such as hugging or touching and how to respond to or decline such contact.

- 4. Appoint an ombuds.** We learned that individuals often are scared to file a formal grievance or Title IX complaint, but they want the behavior to stop. As a result, many turn to their professors or administrators and seek assurances of confidentiality, at which point the professors and administrators invoke their roles as rabbis. This results in their playing the role of religious counselor, rather than that of a faculty member or administrator with an obligation to report and address misconduct. If HUC had an ombuds, that individual could serve as a neutral third party who could help students, faculty, and staff evaluate their options and determine the best course forward. Among other things, an ombuds could serve as a sounding board, provide coaching for difficult conversations, informally mediate a dispute, and/or help a person determine whether and how to file a formal complaint.
  - 5. Increase diversity in senior leadership and on the Board to reflect the diversity of individuals in the Reform Jewish movement.** We heard concerns about the lack of diversity of HUC leadership and the Board. In addition, we heard concerns that to the extent that financial means is considered directly or indirectly as a metric for a Board seat, that type of criteria also can limit diversity efforts. We recommend that HUC and the Board of Governors consider the diversity of applicants when appointing individuals to senior leadership and the Board.
  - 6. Consider making trained mental health services available at each campus.** A number of students told us that their experience at HUC was emotionally challenging, and that they often did not know where or to whom to turn. It is our understanding that the supervisors of clinical pastoral education often end up playing the role of informal therapist, which can lead to a conflict of interest between their acting as a confidante and their position and responsibilities as a faculty member. A trained therapist on staff or retainer, who is not directly connected to the administration, could alleviate that conflict and establish cleaner boundaries and, importantly, could provide short-term counseling and refer students to outside therapists where appropriate.
- C. Develop and Implement Clear Policies and Procedures for Reporting, Investigating, and Remediating Misconduct**
- 1. Review and revise policies and procedures, consistent with the findings of this report.** For a long time, HUC- had no official policies or procedures for reporting or investigating complaints of harassment, discrimination, or bullying behavior. By comparison, HUC's current policies and procedures generally are

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comprehensive, although there are aspects that could be stronger. Our specific comments on the policies and procedures are attached in the Appendix.

## 2. A few policies merit special attention:

- **Consensual Relationships:** HUC's current policy on consensual relationships is different in the faculty, staff, and student handbooks. While consensual relationships between people with different levels of power is prohibited in the student handbook, it is merely "advised against" in the faculty handbook, and the staff handbook suggests only that such relationships can be problematic.

We recommend that HUC update the faculty and staff policies so they conform to the policy in the student handbook: relationships between faculty and students, or staff and students, should be prohibited. We also recommend that relationships between supervisory personnel and non-supervisory personnel be prohibited or that the policies include a requirement to disclose any such relationship to HUC leadership.

- **Tenure and Post-Tenure Discipline:** Policies on faculty tenure and post-tenure discipline should be reviewed to ensure that wrongdoers can be held accountable. We were told that faculty members were not disciplined because administrators believed they were constrained by tenure rules. Harassment, discrimination, and bullying should be specifically included in the policies as grounds for termination for cause.
- **Title IX Obligations:** Title IX obligates educational institutions to respond promptly and appropriately upon receiving notice of conduct that could constitute sexual harassment. There are circumstances when the school may need to initiate an investigation regardless of the complainant's relationship with the school or interest in participating in the Title IX grievance process. This is because the school has a Title IX obligation to provide all students, not just the complainant, with an educational environment that does not discriminate based on sex.

## 3. **Ensure that the policies and procedures are implemented.** Even the best policies and procedures are meaningless if they are not followed. We heard from many recent students, as well as current faculty and staff, that they do not know where to find the current policies and/or do not recall ever receiving them. To remedy that, we recommend that HUC:

- **Ensure that policies and procedures are easily accessible.** We recommend that HUC post links to its policies and procedures regarding harassment and discrimination in an obvious and easily accessible place on the website. The policies and procedures also should be included in orientation materials and distributed to all students, faculty, and staff via email at the beginning of each school year. Administrators, pastoral counselors, and other faculty members should know and be able to provide students with the name and contact information of the person they can contact if they have a concern or complaint.

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- **Train faculty, staff, and students on policies and procedures on a yearly basis, not just at orientation.** We recommend live, interactive training on HUC's policies and procedures. Training for faculty and staff should include how to respond if a student comes to them with a concern or complaint.
  - 4. Build more transparency into the system so that community members feel comfortable coming forward.** A number of witnesses said they were reluctant to come forward with concerns or complaints because they feared that nothing would happen if they did. We recommend building more transparency into the system so that students, faculty members, and staff are informed when corrective action has been taken. We also recommend that HUC consider developing a corrective action matrix to ensure that similar behaviors are handled similarly and that everyone is on notice regarding how complaints and bad behavior will be handled.
  - 5. Consider options to modify the *smichot* process.** The threat or act of failing or refusing to sign a student's *smicha* appears to be a power exercise that has had long-lasting emotional impacts on many students.
  - 6. Develop a centralized record retention system.** HUC does not currently have a centralized location for retaining student records, and in the past, it did not have a centralized location for retaining staff and faculty records. Similarly, HUC does not have a centralized record retention system. We recommend that HUC store student, faculty, and personnel files, as well as complaints and investigation files, in a centralized location.
  - 7. Consider implementing a student discipline panel or an escrow system.** Some colleges and universities have student discipline panels to address student discipline. Others have implemented "escrow systems," in which complaints of misconduct are kept in "escrow" with a third party until another complaint about the same wrongdoer is lodged, at which time both complainants are officially notified and they can decide whether they want to come forward and file a formal complaint. We believe both systems are worthy of consideration.
- D. Review and Revise Relationships with Partner Synagogues and Sister Organizations**

Several witnesses reported instances of mistreatment at partner synagogues. We also heard concerns that there could be better coordination between URJ, CCAR, and ACC, especially with respect to placement and ethics processes. Finally, we heard that there is no way to hold a rabbi accountable after ordination if he or she chooses to withdraw from CCAR. To that end, we recommend that HUC:

- 1. Coordinate with URJ, CCAR, and ACC.** Work with URJ, CCAR, and ACC to eliminate the influence of implicit biases and any discrimination in placement practices. We recommend, in conjunction with HUC's sister organizations, a thorough review of the placement practices for student rabbis and cantors and recently ordained rabbis and cantors at synagogues and URJ camps to determine

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whether discrimination on the basis of gender, LGBTQ+ status, race/color, and/or disability is occurring, and, if so, what steps can be taken to eliminate it.

- 2. Review relationships with partner synagogues and homestay practices.** We heard complaints that no action was taken after some students were treated inappropriately during their student placements. We recommend that HUC develop clear procedures regarding how to investigate complaints from students who allege inappropriate treatment, and that moving forward, relationships with partner synagogues be terminated if such allegations are substantiated. We also heard inconsistent reports regarding whether the practice of placing student rabbis and cantors in homestays exists now. To the extent the practice is ongoing, we recommend that it be terminated.
- 3. Consistent with Jewish law, explore whether HUC can revoke a conferred degree based on substantiated allegations of serious misconduct,** especially when a rabbi has withdrawn from CCAR. Our understanding is that the CCAR ethics process only applies to individuals who are members in good standing. Thus, there is no existing process to hold rabbis accountable for serious misconduct if the rabbis are not members of CCAR. We recommend that HUC explore whether and how they could revoke a conferred degree or ordination or otherwise censure an ordained rabbi.

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## V. APPENDIX – POLICY REVIEW

In conjunction with this investigation, we conducted a review of HUC’s policies to prevent and respond to complaints of harassment (including sexual harassment), discrimination, and misconduct on HUC’s campuses. The documents within the scope of our policy review included:

- The Sexual Misconduct and Interpersonal Violence Policy (“Sexual Misconduct Policy”), effective Summer 2017
- The Faculty Handbook, edited October 18, 2018
- The National Student Academic Handbook, effective Summer 2020
- The Employee Handbook, 2018-2019 (applicable to all US employees except Board appointed faculty)

HUC’s policy framework with respect to sexual misconduct on campus is thorough and, in many ways, structured consistently with best practices. For example:

- There is a separate policy carving out anti-harassment expectations, as opposed to embedding harassment prohibitions in the broader anti-discrimination policy.
- The Sexual Misconduct Policy clearly defines prohibited behavior and includes an appropriately broad definition of sexual harassment.
- The Sexual Misconduct Policy sets out dating expectations applicable to student/faculty relationships.
- The harassment response process provides for interim measures to protect the safety of complainants upon reporting harassment, as well as several on- and off-campus resources to support complainants after filing a complaint.
- The policy provides transparency about what participants in the investigation can expect in terms of the process, the expected timelines for completion of the process, and potential disciplinary outcomes.
- The policy sets out some anti-retaliation and confidentiality assurances to investigation participants.

However, based on our review of the policies and the information learned during the course of our investigation, along with our experience in anti-harassment programs at other educational institutions, there are certain areas of HUC’s existing sexual harassment and misconduct framework that could be enhanced to better align with what we have observed as best practices:

- To start, we recommend that HUC revise the sexual misconduct policies applicable to students, faculty, and staff to be consistent in terms of which policy applies in which circumstances. Student-on-student conduct, for example, is clearly within the scope of the Sexual Misconduct Policy as it appears in the student handbook. However, it is less clear which policy would apply to misconduct involving faculty-on-student harassment, staff-on-student harassment, or faculty-on-staff harassment. The sexual

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misconduct policies also should be revised to be consistent in terms of the prohibited conduct, the available reporting avenues, and support resources, among other details.

We also recommend that HUC revise the sexual misconduct policies as follows:

- Provide multiple avenues for reporting, including an anonymous method. Currently, contacting the Title IX coordinator is the only designated reporting avenue in the standalone Sexual Misconduct Policy, unless a complainant takes their complaint to an external entity, like the local police or federal government. The sexual misconduct policies that appear in the student handbook, faculty handbook, and staff handbook all provide conflicting information in terms of reporting avenues. We recommend making the reporting options consistent among all of the policies, to the extent practicable.
- Better define the roles of each responsible entity in the complaint response process, so that it is clear how the Title IX Office, HR Department, Safety Department, administration, and any other relevant parties should coordinate in the complaint investigation and resolution process.
- Include an explicit statement that those who retaliate will be subject to discipline, as opposed to simply noting that retaliation is prohibited.
- Provide for improved communications protocols to investigation participants, both during and after investigations, to further enhance transparency in the process.
- Provide an option for an informal resolution process. The policy is currently written to adjudicate all harassment complaints through a formal grievance hearing process. Given the range of behavior and circumstances that can fall within the scope of this policy, some matters may not rise to the level of requiring a formal hearing. For example, after conducting an initial assessment of the complaint, we have seen other institutions alternatively resolve matters through educational programming or training, a mediated conversation, and/or some other action by the Title IX Coordinator.

With respect to non-sexual harassment and discrimination, we have similar observations. The various Harassment, Equal Opportunity, and Non-Discrimination policies found within the student, faculty, and staff handbooks are thorough and comprehensive. They prohibit an appropriately broad range of conduct, explain how to file a complaint, direct complainants to additional resources for support, and outline the complaint resolution process. However, these policies require similar adjustments to ensure that the scope of each policy is clearly drawn. They should further provide consistency in the definitions of prohibited conduct and the available reporting avenues, as well as provide stronger assurances of impartiality, transparency, and anti-retaliation.

Beyond the policy documents themselves, we recommend that HUC do the following to ensure that the anti-harassment and anti-discrimination programs are successful and effective:

- Ensure that whoever is designated to conduct investigations into allegations of harassment (including sexual harassment) and discrimination is well trained in how to handle such matters.

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- With respect to the faculty grievance hearing process, hearing panelists should be trained in the nuances of adjudicating and resolving reports of prohibited sexual misconduct. The policy currently contemplates selecting the panelists from a pool of the entire faculty. We have seen other educational institutions create a Title IX Council consisting of a smaller selection of faculty from which each hearing panel is selected and providing everyone in the Council training on how to handle harassment matters.
- Develop a framework or corrective action matrix to ensure that discipline is prompt, consistent, and proportional to any substantiated misconduct. Prior instances of wrongdoing should be considered when determining appropriate corrective action.
- Adopt a system to centralize harassment and discrimination complaints for tracking purposes, so that the administration can be aware of trends in repeat offenders or problematic departments.
- Improve document recordkeeping practices. For example, be sure investigations are well documented and that reports are maintained in subject's personnel file.
- All of these changes must be supported by leadership's visible endorsement and demonstrated commitment.