

MODEL CODE OF PROFESSIONAL ISLAMIC CONDUCT

FOR IMAMS, COMMUNITY LEADERS, BOARD MEMBERS, STAFF, AND VOLUNTEERS

I. Preamble:

Imams, community leaders, board members, staff and volunteers must strive to uphold the highest standards for Islamic values and personal conduct. This model code is designed to establish a baseline set of objective standards for professional Islamic conduct in certain situations without infringing on political positions, or legitimate difference of opinion within the Muslim community. As used in this Model Code, "Muslim leaders" includes community leaders, chaplains, board members, teachers, staff, and volunteers of organizations that identify as Islamic organizations.

II. Use of Model Code:

This code may be integrated into all contractual relationships, such as imam contracts, speaker contracts, staff contracts, and teacher contracts by the inclusion of a paragraph in the contract similar to the following:

"As a further term and condition for this contract between the parties, parties hereby agree and promise to be bound by the attached Model Code of Professional Islamic Conduct which is incorporated herein by reference."

For board members in an organization, a paragraph similar to the following may be included in the organization's constitution and bylaws:

"As a further condition of any board member accepting or retaining their position as board member of this organization, the board member must agree and will be bound by the attached Model Code of Professional Islamic Conduct which is incorporated herein by reference."

The Model Code of Professional Islamic Conduct may be customized or expanded to address additional local concerns.

III. Standards for Imams and Muslim leaders:

1.0 General Standards:

1.1 Imams and Muslim leaders shall not act beyond their competence in teaching or counseling situations and shall refer to other professionals when appropriate. Imams and Muslim leaders shall not give legal advice unless they are actually registered attorneys. Similarly, those who seek their advice for specialized areas should be referred to experts in those fields.

1.2 Imams and Muslim leaders shall not engage in consensual or nonconsensual sexual contact, comments, or marriage proposals with the persons they currently supervise or counsel. Imams and Muslim leaders shall respect and honor the institution of marriage in their conduct with their spouse and others at all times.

1.3 Imams and Muslim leaders shall not exploit their position of trust to take advantage of another's weak mental, or physical position for personal financial, political, or sexual gain.

1.4 Imams and Muslim leaders assume the full burden of responsibility for establishing and maintaining clear, appropriate boundaries in all supervisory, teaching, counseling and counseling-related relationships.

1.5 Teaching, counseling, or administrative meetings should not be held at places or times that would tend to cause confusion about the nature of the relationship, or put the Imam, or Muslim leader at risk of being falsely accused of inappropriate behavior.

1.6 Imams and Muslim leaders shall not conduct or participate in marriage ceremonies in which any participant is not acting under their free and voluntary will without undue influence, nor in any marriage ceremony conducted with any degree of secrecy. It is a violation of this section for an Imam or Muslim leader to participate in a marriage ceremony knowing that one party is entering into the marriage solely for the purpose of acquiring a green card. It is a violation of this section for an Imam or Muslim leader participates in a marriage ceremony where one or both of the parties is underage according to the law of the State.

1.7 Imams and Muslim leaders shall provide and work to maintain a professional Islamic work environment that is free from physical, psychological, written, or verbal intimidation or harassment. Harassment encompasses a broad range of physical, written, or verbal behavior, including but not limited to: physical or mental abuse, racial or ethnic insults, and unwelcome sexual advances.

1.8 Imams and Muslim leaders shall adopt a team approach to working with or counseling youth.

1.9 Imams and Muslim leaders have a duty to report their violations, and the violations of others.

1.10 Imams and Muslim leaders shall respect and follow the law even if they may be working to change it.

1.11 Imams and Muslim leaders shall be honest in all dealings and shall not make any false or misleading representations regarding their credentials, experience, or in their research or work product.

2.0 Confidentiality

2.1 Imams and Muslim leaders shall discuss the nature of confidentiality and its limitations with each person who comes to them for counseling, advising, or spiritual direction.

2.2 Information obtained in the course of counseling sessions shall be confidential, except for compelling professional reasons or as required by law:

2.2.1 If there is a clear and imminent danger to the client or to others, or in the case of a minor, there is evidence of abuse or neglect, then the Imam or Muslim leader may disclose only the information necessary to protect the parties affected and to prevent harm.

2.1.2 Before disclosure is made, if feasible, the Imam or Muslim leader should attempt to inform the person being counseled about the disclosure.

2.3 Knowledge that is gained from professional contact may only be used for instructional or writing purposes, and then only when effective measures are taken to insure the individual's identity and confidentiality are maintained.

2.4 Imams and Muslim leaders shall take reasonable and appropriate steps to make sure electronically stored confidential information is protected from misuse or from unauthorized dissemination.

3.0 Conflict of Interest:

3.1 Imams and Muslim leaders supporting fundraising or other causes shall disclose any personal gain they or their family receive or may receive from the cause being fundraised or supported.

3.2 Imams and Muslim leaders shall inform all parties when a real or potential conflict of interest arises, or when their impartial judgment is or may be impaired or called into question.

IV. Disciplinary Procedure:

All laws related to mandatory reporting of specific complaints, for example those related to child abuse or neglect, will be adhered to. The Board will report such complaints to the relevant authorities within 12 hours or as the law requires, whichever is earlier. The Board will also inform the community of the issue as soon as is appropriate without violating confidentiality rights or impeding the official investigation of the complaint.

The following defines the model mechanism for organizations and contracting parties to investigate and respond to allegations of violations of the Model Code of Professional Conduct.

1.0 Investigative Phase:

1.1 The Board or Contracting party shall designate a confidential communications mechanism for individuals to file complaints alleging a violation of the Model Code of Professional Conduct.

1.2 Once a complaint has been received, it shall be assigned to an individual, or panel of 3 members depending on the severity of the allegation, to investigate the complaint (the "Investigator"). The Investigator must first identify any conflicts of interest, and must recuse themselves if they have any, unless the conflict of interest is waived in writing by the parties. The Investigator may be a member of the Board, as is appropriate for the situation.

1.3 The Investigator's duty is to gather and determine the relevant facts from the individual who is the subject of the complaint and the person who submitted the complaint, plus any witnesses, or relevant documents or evidence.

1.4 At all times during the investigative process, all information regarding the matter must be maintained as confidential.

1.5 At the conclusion of the investigative process, the Investigator will write a summary of the relevant facts, and shall make a specific finding as to whether the facts amount to a violation of the Code of Professional Conduct, and if so, which code number. If no violation was found the matter shall be closed and will remain confidential.

1.6 If the Investigator finds facts that amount to a violation, the investigator shall also make findings as to the following facts:

A- Was the violation an intentional act (knowing it was wrong), an act of negligence, or an act of ignorance?

B- Is the violation relatively minor, or serious?

C- Was the person cooperative in the investigation?

D- Does the person have a history of violations or inappropriate conduct?

E- Is the person likely to reoffend?

F- Has the person acknowledged their violation and taken responsibility for it?

G- How much damage or harm occurred or could have occurred due to the person's conduct?

1.7 Finally, the Investigator will make a recommendation as to the consequences for the violation given the totality of factors identified in Section 1.6.

1.8 The Board or contracting party will then take the recommendations and facts from the Investigator and appoint a committee or address the matter as a body for a final determination (herein the "Committee").

2.0 Determination Phase:

2.1 If the Accused submits additional information or additional information is available or required by the Committee, the matter will be referred back to the Investigator for follow up.

2.2 The Committee shall make a final determination as to what to do with the findings and recommendations of the Investigator after consultation with legal counsel. Generally, the following guidelines will apply:

A- Relatively minor offenses, first offenses, and offenses committed negligently with little harm may be resolved with a warning letter, additional training, and supervision.

B- Serious offenses, or knowingly repeating minor offenses may result in suspension for a term, or termination.

C- Offenses that may be criminal in nature or the subject of mandatory reporting shall be reported to the relevant authorities.
