



June 2, 2014

An Open Letter to the Unitarian Universalist Community

From: Helio Fred Garcia, Chair, Board of Trustees, Starr King School for the Ministry

Friends,

It is with both gratitude to those of you who have expressed kind interest and concern, and with a heavy heart and deep sadness, that I write in response to the public discussion about Starr King that has taken place within Unitarian Universalism in the past few weeks.

Sadly, a private matter between the School and several of its students has escalated into a public battle fueled by mischaracterizations and innuendo.

I am further saddened that prominent UUs have taken up the discussions, including casting aspersions on me, the Board, and the School without the courtesy of contacting us about it. Some of these are my friends, former clients, and even former students. It pains me to name this particular disappointment.

I do not intend to respond point-by-point to individual items, but rather to lay out as clearly as I can the issues that are in play and the situation that has taken place in the aftermath of the presidential search process as I and the Board of Trustees understand it.

I appreciate your taking the time to seek understanding about the issues the School is facing. Here are the critical issues:

- Integrity of the search process.
- Breach of ethics, integrity, and covenantal relationship by members of the Starr King community.
- Starr King's fiduciary responsibility as an educational institution.
- Legal issues at play.
- Continuing inquiry.

Here is a detailed account of each:

- I. The presidential search process was conducted with integrity and in fulfillment of all the requirements with which the Board charged the search committee.

On March 31 the Board voted to call Rev. Rosemary Bray McNatt to become president as of July 1. Many have responded with joy, excitement and appreciation that Rev. McNatt will be leading Starr King into the future.

This vote followed nine months of diligent work by a nine-member search committee. That committee included representatives of students, faculty, the Board, and alumni and also included prominent UU ministers and an academic leader not affiliated with the School.

The search committee members worked for hundreds of hours, reviewed thousands of documents, met with a range of candidates, sought and received voluminous feedback from many sources, including students, faculty, staff, and many other stakeholders. They met with the candidates. They checked references. They participated in campus visits. They discussed the position, the School, and the candidates exhaustively among themselves. They were assisted in their work by a highly regarded independent search firm.

They were charged with giving their best recommendation to the Board, which they did. The Board, in turn, voted on their recommendation, and chose to accept it.

- 2 The events in question constitute a major breach of confidentiality, integrity, and covenantal relationship.

On the day before the Board vote, several students came into possession of confidential search committee documents. These documents included confidential survey responses from students, faculty, staff, and others, giving individualized feedback (both as numerical ratings and extensive and detailed comments) on the three finalists for president who had made campus visits, for the search committee's consideration.

The Board learned about the documents in students' possession the day following the vote on the new president, and met with a student who said that documents had been received from another student who characterized them as coming from within the search committee. That student was informed that the documents were highly sensitive and confidential and that there was the risk of considerable harm if the documents continued to circulate. The search committee then began its own inquiry about whether the documents may have been leaked by one or more members of the committee. To date, there is no evidence of such a leak.

Three days later, the documents had been circulated more widely. Student leaders called a special meeting of the student body to discuss concerns about

the presidential search raised by some who had read or been told about the confidential documents.

Concerns focused on the confidential feedback given to the search committee by the current president and the dean of the faculty. The e-mail to the student body calling for a special meeting also contained information about the March 31 Board meeting that suggested the confidentiality of the discussions from the March 31 meeting had been breached.

That e-mail also contained significant mischaracterizations of the search process and of the Board's discernment. Those mischaracterizations were addressed and clarified at the meeting by a student trustee who is also a member of the search committee. That student trustee also told the assembled students that continued distribution of the documents was a major breach of confidentiality and had the potential to cause significant harm.

That meeting of students was attended by a large number of students who voiced a diversity of feelings and opinions in reaction to the presidential search process, and the concerns that had been raised.

Two days later, on Sunday, April 6, an anonymous e-mail, signed by "Strapped Student", expressed concern that the presidential search process had been corrupted. Attached to the email was a partially redacted version of the confidential search committee documents. The e-mail was sent to a very wide audience, including most members of the Starr King community, the leadership of our accrediting body, the Graduate Theological Union, our larger denominational leadership and structures, the news media, and others. (But I note that it was not sent to me, to most other Board members, to most members of the search committee, or to the School administration.)

That afternoon I, as Chair of the Board, responded to the anonymous letter, addressing the concerns raised point by point, with special attention to refuting inaccurate claims and affirming that the search committee had met its responsibilities with integrity and due diligence in accordance with its charge.

It was clear that the author of the email took issue with some of the input that the committee received. And there is significant reference to issues that had nothing to do with the search committee. Rather, there seemed to be intense – and somewhat perplexing – animosity toward the current president. That was unfortunate, but unrelated to the search process.

The distribution of confidential search committee documents has caused significant harm – to the School, to the individual candidates for president, to the search committee, to the new president, to the current administration, to the School's finances, and especially to all other Starr King students – many of whom have behaved with complete integrity but over whom an undeserved cloud of suspicion hangs as long as those responsible for the breach of

confidentiality decline to come forward and accept responsibility.

One of the mischaracterizations in the current discussion is that the Board acted because we were offended by the content of the Strapped Student email. That is not the case. The most serious harm to the School was not caused exclusively, or even primarily, by the actual content of that email, however inaccurate, hurtful, and damaging it may have been.

Rather, the most significant harm came from the transmission of the attachment: confidential information that was submitted in trust by dozens of individuals to the search committee. And by the scope of the distribution of confidential information. I imagine that much of that harm was unintended. But it is tangible, and was foreseeable, nonetheless.

One unintended consequence of that distribution was that the intended recipients of the email included many who place a significant emphasis on the preservation of confidential information – such as the UUA, UUMA, and Ministerial Fellowship Committee. Their focus was not so much on the content of the letter but on the fact of the violation of standards of confidentiality and breach of professional responsibility.

These institutions have reached out to me and made it very clear that they are watching events at Starr King closely. As a leader of one of those credentialing bodies said to me before the Board voted on degrees, they will need “some significant assurance that no SKSM degree is going to someone who broke trust with their community and with professional guidelines.”

In other words, the Strapped Student email put the entire graduating class and future graduates under a cloud of ethical suspicion by people outside the SKSM community. It is this harm that the Board has been trying to prevent.

3 Starr King is a school, not a congregation.

Much of the recent discussion, before and after the dispute became public, seems to apply to the School a number of criteria that are more relevant to a minister’s relationship with a congregation. But the Trustees have a fiduciary obligation – and a legal obligation – to attend to the needs of the School.

One of the functions of a school is to certify, through both objective and subjective criteria, that a student has fulfilled requirements for graduation. The Degree Requirements section of Starr King’s website (http://sksm.edu/academics/master_of_divinity.php) clearly state:

Requirements for graduation include not only “completion of explicit requirements but of your personal readiness — intellectually, spiritually, emotionally, psychologically, professionally, and practically — for the form of ministry, chaplaincy, or religious leadership for which you are preparing.”

Religious leadership includes a duty to respect privileged confidential information.

The Requirements site also states “The M.Div. degree is awarded by vote of the Board of Trustees.” The faculty vote is a first step, but not the final step, in the Board’s discernment. The faculty vote took place in February, before the events in question took place. But the Board needed to respond to the situation as it existed on the date the Board voted on degrees.

The Board on May 2 delayed its scheduled vote on degree candidates because we were concerned that we did not yet know enough to exercise our fiduciary responsibility effectively in conferring degrees. We wanted more clarity about student involvement in the significant breaches of confidentiality that occurred at the conclusion of the presidential search process. By May 19 we were able to unconditionally grant degrees to most of the students recommended by the faculty for graduation. But we still had concerns or incomplete understanding about the involvement of several, so those degrees were granted conditionally pending the results of a more formal, arms-length independent inquiry.

It is this decision to grant conditional degrees that is the cause of current controversy. Three faculty members—operating by their own best lights, disagree with the decision of the Board and have communicated their perspective in an Open Letter to the community. Also, some who were awarded conditional degrees are advocating that the conditions be removed immediately.

Note that as a graduate School we are bound by federal law, including the requirement that we cannot publicly discuss matters involving specific students. At no time have we identified the names of the students to whom degrees were conditionally granted; we have not even specified how many there were.

- 4 The School is not suing students. This is a mischaracterization that has confused many people. The identification of a fund as a “legal defense fund” may be contributing to this confusion. The facts are these:

One week before commencement a student was asked to speak with an investigator working on behalf of the Board. That student declined the request, and further threatened to take the School to court if the student’s degree was withheld.

On May 26 I received a letter from an attorney purporting to represent certain students, demanding that the Board reverse course, and threatening to sue if we did not. It is the Board that is being threatened with litigation, not the students.

5 The Board has needed to escalate its inquiry.

When the Board first became aware of the confidentiality breach, we immediately began taking action to reduce the harm to relationships, reputations, and community trust that we know would come if there was a wider distribution of so many individuals' sensitive and confidential comments.

We initially asked the search committee chair to speak with each committee member about whether they were the source of the documents. To date, after many discussions and other investigative techniques, we have no evidence that the documents came from an intentional leak by the search committee.

We also began conducting an informal inquiry by speaking with other involved people. One challenge has been that at each step the situation has itself escalated. On the day we were hoping to speak with the students we believed were in possession of the documents the students called for the special student body meeting, which resulted in many more students being in possession of those documents.

We were in the process of determining the most appropriate way to widen our inquiry when the Strapped Student email was distributed, and the dramatic harm we feared became real.

In the week after the Strapped Student e-mail we engaged the services of Fierce Allies, a restorative justice (RJ) consultancy. Its Founding Director, J. Miakoda Taylor, began an assessment process to determine if restorative justice was appropriate and the best strategy for its application.

When the Board met on May 1 and 2, Miakoda advised the Board that in the absence of anyone taking accountability for causing harm, restorative justice would not be appropriate, and we put the RJ process on pause pending more formal means, while continuing to engage Miakoda's services to assist in fostering open conversations at the School.

Given that the restorative justice approach we have hoped to employ has been stymied by no one coming forward to accept responsibility for having obtained and distributed the privileged, confidential documents, the Board began a more formal investigation using professional investigators. That process has not concluded.

At the May 19 Board meeting, the Board adopted the following resolution:

"It is resolved that the Board will continue its efforts to attempt to identify the cause(s) of the breach of confidential information that occurred during the final stages of the search for the new president. The Board has begun this process and has made progress. Attached to this resolution is the Board's letter to the community on this subject. It is resolved that the Board will continue to utilize

the confidential services of its legal counsel and such professionals as may assist counsel.

It is further resolved that an ad hoc committee of the Board be appointed to complete the efforts of the Board to identify the cause(s) of the breach of confidential information and to prepare a report to the full Board containing proposed conclusions and factual bases for the conclusions. This ad hoc committee shall transmit the report within 60 days of its formation. The Board of Trustees will hold a special meeting within thirty days of receipt of the report. The Board will thereafter within 30 days, issue a letter of results to the community and constituents of the School.

It is further resolved that the ad hoc committee of the Board shall consist of a minimum of three and not more than five individuals to be recommended by the Board chair and ratified by the Board.”

We are presently working on the composition of the ad hoc committee. We expect that it will include members from outside the Starr King community.

It is our hope that this committee, as an arms-length body without entanglements in recent events, can take a clear-eyed look at all parties — the Board, the search committee, students, faculty, staff, and others — and make a determination of facts and recommendations for Board consideration.

We commit to sharing the ad hoc committee’s findings and recommendations, both with the community and with the credentialing institutions to which we relate.

Let me take this opportunity to offer my deep gratitude to my colleague Board members, to members of the presidential search committee, and to the administration of the School, who have withstood such withering criticism of their integrity with grace and restraint. And I offer a further expression of gratitude to the credentialing institutions to which we relate.

And let me also offer an apology to the students, faculty, staff, and School community that it has gotten to this point. And to the wider Unitarian Universalist community that it has now involved you.

The School does extraordinarily important work, preparing religious leaders who themselves also do extraordinarily important work. It is deeply regrettable that an internal dispute over individual misconduct has escalated into a public controversy, to the disadvantage of all involved.

My various letters of to the community since April 6 are available on the Starr King site. Please feel free to be in touch with me if you have any questions or concerns.

Yours faithfully,

A handwritten signature in blue ink, appearing to read "Fred", enclosed in a thin black rectangular border.

Helio Fred Garcia
Chair, Board of Trustees
Starr King School for the Ministry

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