



Partial Report of the Ad Hoc Committee

I. Introduction

This is a partial report of the ad hoc committee appointed by the Board of Trustees of Starr King School for the Ministry ("SKSM" or "the School"). The committee was appointed for the purpose of investigating the breaches of confidentiality that occurred related to the Spring 2014 presidential search process.

The committee has decided to make a partial report to the Board on the portion of the Committee's work that sought to obtain cooperation from Student 1 and Student 2 in completing its fact finding mission. The committee will soon make its complete report to the Board, when it finishes its remaining work.

The committee has decided to make this partial report on its efforts to obtain cooperation from Student 1 and Student 2 because this segment of the ad hoc committee's work is finished, albeit unsuccessfully finished. Student 1 and Student 2 declined to give the committee the information that it requested.

II. Background of Breaches of Confidentiality

In the fall of 2013, a search committee was appointed by the SKSM Board of Trustees to assist in the selection of a new president of the School.

The search committee worked for hundreds of hours, reviewed thousands of documents, met with a range of presidential candidates, and sought and received voluminous feedback from many sources, including students, faculty, staff, and many other stakeholders.

Events then occurred that constituted a major breach of confidentiality. In the days before the Board vote on selection of the new president, that is March 26-31, 2014, several SKSM students obtained unauthorized possession of confidential search committee documents. These documents included confidential survey responses, intended for the search committee's consideration, from students, faculty, staff, and others, giving individualized feedback on the three finalists for president who had made campus visits.

  
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Thereafter, on April 6, 2014, an anonymous e-mail signed by "Strapped Student" expressed concern that the presidential search process had been conducted improperly. Attached to the email was a partially redacted version of the confidential search committee documents of which several students had earlier obtained unauthorized possession. The anonymous e-mail was sent to a very wide audience, including many members of the Starr King community, the leadership of the School's accrediting body, the Graduate Theological Union, the larger denominational leadership and structures, the news media, and others. The anonymous email thusly had the effect of widely disseminating the confidential search committee documents.

At a May 19, 2014 Board meeting, the Board of Trustees resolved to continue its efforts to attempt to identify the cause(s) of the breach of confidential information. The Board thereafter appointed an ad hoc committee of the Board intended to complete these efforts.

III. Two Students' Conditional Degrees

On May 19, 2014, the Board further resolved that it would grant degrees on a conditional basis to two students who were being considered as candidates for graduation, if the conditions were fulfilled (Student 1 and Student 2).

In May 19, 2014 letters to Student 1 and Student 2 , the Board in part stated:

The Board's conferral of the degree on you is to be conditioned on the following:

1. Cooperation with the ad hoc committee of the Board (and/or such persons that it designates), including an interview at the time and place of which you will be given notice in writing, plus complete transmittal of such information and electronic information, as may be requested by the ad hoc committee of the Board (and/or such persons that it designates) including transmittals in writing, attested and signed by you.

Copies of the Board's letters to Student 1 and Student 2 are attached hereto as Exhibit A.

IV. Ad Hoc Committee Appointment and Charge

At the May 19, 2014 Board meeting, the Board of Trustees resolved that:

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.

  
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The charge to the ad hoc committee from the Board of Trustees stated:

The ad hoc committee shall endeavor to determine the facts regarding the breach of privileged confidential information that arose at the end of the presidential search process, including:

- How the privileged confidential documents come to be in students' possession (e.g., leak, hack, innocent transmission, etc.)
- What the students who originally came into possession of the documents did with them and why.
- The identity of Strapped Student and how that person or persons came to distribute the confidential documents widely.
- Regardless of category (student, faculty, staff, board, search committee, et.), the identity and form of involvement of any person.

The ad hoc committee was convened on September 18, 2014.

V. Ad-Hoc Committee's Attempts to Interview Student 1 and Student 2 and Obtain From Them Electronic and Non-Electronic Information

Pursuant to its charge, on October 6, 2014, the ad hoc committee sent letters to Student 1 and Student 2

These letters were sent for the purpose of re-stating to Student 1 and Student 2 the requirements for cooperation with the ad hoc committee, and to request that they be present at the day and times stated in the letters. Copies of these letters are attached as Exhibit B.

In its letters to Student 1 and Student 2, the ad hoc committee stated: "This present letter thusly serves to require your cooperation, including for you to attend an interview with a representative of the ad hoc committee of the Board of Trustees." The ad hoc committee further stated that Student 1 and Student 2 were required to produce certain documents and materials to the ad hoc committee that were relevant to the committee's charge. The committee stated to Student 1 and Student 2: "As to any documents which contain personal and private information (such as family, medical or financial information), please blacken out that personal and private information, so that the ad hoc committee does not see your personal information."

A complete record of the ad hoc committee's follow-up communications with Student 1, Student 2 and their attorney, Rachel Lederman, Esq. ("Ms. Lederman") is included as Appendix A.

These communications ultimately resulted in the ad hoc committee accommodating the request of Student 1 and Student 2 to postpone the interviews until November 6, 2014.


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On November 6, 2014, all members of the ad hoc committee were present, physically and/or via Skype videoconference, along with counsel for the School, at the designated time and place, to conduct interviews with, and receive documents and materials from, Student 1 and Student 2. The interview with Student 1 was scheduled to begin at 4:30 p.m. Neither Student 1 nor any representative of Student 1 appeared for the scheduled interview.

Mr. Barb Greve, the member of the ad hoc committee appearing in-person, read a statement into the record. Mr. Greve's statement noted that the committee was present and prepared to conduct the interviews but that Student 1 had not appeared for the interview or produced any documents to the committee. A copy of the complete transcript is attached hereto as Exhibit C.

Prior to 6:00 p.m., the designated time for Student 2 interview, all members of the ad hoc committee were again present in-person or via Skype videoconference at the designated location, to conduct the interview of Student 2. Shortly after 6:00 p.m. Student 2 and Ms. Lederman appeared at the scheduled location of the interviews. Appearing with Student 2 and Ms. Lederman were Ms. Hasmik Geghamyan, who identified herself as counsel to Student 2 and Student 1 and Mr. Jacob Crawford, who identified himself as a videographer.

Ms. Lederman then contacted, via Skype videoconference, Student 1 and Reverend Dr. Randolph W.B. Becker who identified himself as a Good Officer for Student 1 and Student 2.

All individuals present, whether in-person or via Skype videoconference, were:

- Mr. Barb Greve, SKSM ad hoc committee
- Ms. Emily Gage, SKSM ad hoc committee (Skype videoconference)
- Mr. Larry Ladd, SKSM ad hoc committee (Skype videoconference)
- Student 1 (Skype videoconference)
- Student 2
- Mr. Michael J. Vartain, Esq., counsel for SKSM
- Mr. William C. Teeling, Esq., counsel for SKSM
- Ms. Rachel Lederman, Esq., counsel for Student 1 and Student 2
- Ms. Hasmik Geghamyan, Esq., counsel for Student 1 and Student 2
- Rev. Dr. Randolph W.B. Becker, Good Officer for Student 1 and Student 2 (Skype videoconference)
- Mr. Jacob Crawford, videographer
- Ms. Alissa Tinney, Certified Shorthand Reporter

Mr. Greve asked Student 1 and Student 2, individually, if they would now be interviewed by the ad hoc committee. Mr. Greve also asked each if they would now be providing to the committee the documents and materials requested by the committee. Both Student 1 and Student 2 stated that they would not be providing interviews or documents to the committee. They stated they would only read a prepared written statement.

  
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Student 2 then read a prepared written statement, copies of which were distributed to those present in the room. Though the statement was read by Student 2 alone, both Student 1 and Ms. Lederman indicated that the statement was being made on behalf of Student 1 as well as Student 2. A copy of the statement, as provided to the court reporter by Student 2 and Ms. Lederman on November 6, 2014, is included as an exhibit to the transcript of the meeting, which is attached hereto as Exhibit C.

In their statement, Student 1 and Student 2 stated: "Let us be clear, neither of us sent the email by 'strapped student.' Neither of us knows who did." Student 1 and Student 2 then refused to answer any questions.

After Student 2 completed reading the prepared written statement, Mr. Greve again asked Student 1 and Student 2 if they would receive interview questions from the ad hoc committee. Both students stated that they refused to respond to questions with attorneys present.

The ad hoc committee then offered to conduct the interviews without the presence of attorneys. Student 1 and Student 2 again stated that they would not participate in the interviews.

Student 1, Student 2 and their representatives then departed from the interview location.

VI. Conclusions

Student 1 and Student 2 have knowingly declined to comply with the requirements of the Board of Trustees and the ad hoc committee.

Student 1 and Student 2 have not provided an interview to the ad hoc committee as required. They also have not provided the documents and materials to the ad hoc committee, as required.

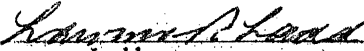
Student 1 and Student 2's declination to cooperate with the ad hoc committee persisted, despite the successive offers by the committee to adjust interview protocols to meet their wishes.

The ad hoc committee offered Student 1 and Student 2 procedural protections as to the protocols for the interviews. The committee permitted Student 1 and Student 2 to have their attorney and their Good Officer present during the interviews. The committee offered terms which enabled Student 1 and Student 2 to avoid having the attorney for the School conduct the interviews, or even be present during the interviews. The committee provided Student 1 and Student 2 with a means for stating confidentiality and privacy objections at the interviews, with the benefit of their attorney present. The committee provided Student 1 and Student 2 with a means and opportunity to redact private information from documents requested by the committee, and to provide an explanation for withholding documents from the committee altogether. The committee offered to provide a transcript of the interviews to Student 1 and Student 2 at no cost to them. The committee provided Student 1 and Student 2 with a limited duration for the interviews. The committee engaged in conversations with Student 1, Student 2 and their attorney, to ensure that scheduling of the interviews was done in a manner that was convenient for them.


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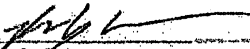
Student 1 and Student 2 have asked the ad hoc committee to accept a written statement of denial of some aspects of the situation without further inquiry from the committee. The statement by Student 1 and Student 2 addresses one aspect of the committee's scope of inquiry. Even with regard to that aspect, the committee cannot responsibly accept the unsupported statement of denial without inquiry by the committee.

The ad hoc committee concludes that Student 1 and Student 2 have knowingly failed and refused to satisfy their obligations of cooperation.



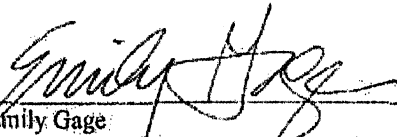
Lawrence Ladd
Chair, Ad Hoc Committee of the Board of Trustees
Starr King School for the Ministry

11-20-14
Date



Barb Greve
Ad Hoc Committee of the Board of Trustees
Starr King School for the Ministry

20 Nov 2014
Date



Emily Gage
Ad Hoc Committee of the Board of Trustees
Starr King School for the Ministry

11/20/14
Date

  
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Appendix A

On October 6, 2014, the ad hoc committee sent letters to Student 1 and Student 2. The letters required the students to each attend an interview on October 23, 2014 with a representative of the ad hoc committee. The letter required each to provide to the committee, documents and materials in their respective possession relating to the Starr King presidential search process.

The letters stated in pertinent part: "This present letter thusly serves to require your cooperation, including for you to attend an interview with a representative of the ad hoc committee of the Board of Trustees."

Copies of the ad hoc committee's October 6, 2014 letters to Student 1 and Student 2 are attached hereto as **Exhibit B**.

On October 8, 2014, counsel for the School received an email from Rachel Lederman, Esq. ("Ms. Lederman"), attorney for Student 1 and Student 2. In this letter, Ms. Lederman stated that her clients "are not willing to appear for an open ended interview." Ms. Lederman further stated that, "if my clients don't receive their degrees by the end of this month we'll have no choice but to move forward on litigation." A copy of Ms. Lederman's October 8, 2014 email is attached hereto as **Exhibit D**.

On October 13, 2014, the ad hoc committee sent further letters to Student 1 and Student 2. The committee stated to Student 1 and Student 2: "If you are unwilling or unable to produce the documents, or your laptop as required, the committee requires that you... provide the committee with your explanations and/or objections regarding production of the documents." The committee also informed Student 1 and Student 2 that they were "invited to have [their] attorney, Ms. Lederman, attend the interview." Copies of the ad hoc committee's letters of October 13 are attached hereto as **Exhibit E**.

On October 16, 2014, counsel for the School, Michael J. Vartain, Esq. ("Mr. Vartain") had a telephone conference with Ms. Lederman. This call was summarized in an October 17, 2014 letter from William C. Teeling, Esq. ("Mr. Teeling") to Ms. Lederman. During the call, it was agreed that, at the request of Student 1 and Student 2, the interviews would be postponed until November 6, 2014. It was further agreed that Student 1 could attend the interview via Skype, so as not to require interstate travel. A copy of Mr. Teeling's October 17, 2014 letter is attached hereto as **Exhibit F**.

On October 17, 2014, Ms. Lederman responded that the ad hoc committee's proposed protocols, adjusted to accommodate the requests of Student 1 and Student 2, were "unacceptable." Ms. Lederman further demanded that Student 1 and Student 2 would "each have their attorney and their Good Officer present and available to consult with them during the interviews." A copy of Ms. Lederman's letter of October 17, 2014 is attached hereto as **Exhibit G**.


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On October 20, 2014, Mr. Teeling responded to Ms. Lederman's October 17, 2014 letter. Mr. Teeling confirmed receipt of Ms. Lederman's confirmation of her clients' availability for interviews on November 6. Mr. Teeling also stated: "You have stated that Student 1 and Student 2 will be represented by you, as counsel, at the interviews. The ad hoc committee has asked the School's counsel to conduct the interviews." A copy of Mr. Teeling's October 20, 2014 letter is attached hereto as Exhibit H.

On October 22, 2014, Ms. Lederman responded to Mr. Teeling's October 20, 2014 letter. Ms. Lederman stated that her previous letter "did not confirm that Student 1 and Student 2 would be appearing for interviews on November 6." Ms. Lederman further stated that "the deadline we had given [for commencing litigation] of October 31 is fast approaching." A copy of Ms. Lederman's October 22, 2014 letter is attached hereto as Exhibit I.

On October 23, 2014, Mr. Teeling responded to Ms. Lederman's October 22, 2014 letter. Mr. Teeling offered to Ms. Lederman that: "If your client(s) wish to proceed with the interviews without attorneys present, they may have only an ordained Good Officer representative present during the course of the interviews, and the interviews will be conducted by a member of the ad hoc committee." Mr. Teeling's letter further laid out the ground rules for the proceeding of the interviews. Finally, Mr. Teeling again requested that Ms. Lederman confirm that her clients would be attending the interviews, as rescheduled, on November 6, 2014. A copy of Mr. Teeling's October 23, 2014 letter is attached hereto as Exhibit J.

On October 27, 2014, Ms. Lederman responded to Mr. Teeling's October 23, 2014 letter. Ms. Lederman stated that her clients, "will allow you [counsel for the School] to be present [during the interviews] since they will also have counsel as well as their Good Officers at any meeting with the ad hoc committee, but they want to speak with the entire ad hoc committee directly." Ms. Lederman stated: "If the committee is agreeable to that, my clients will extend the deadline we had previously given until after the November 6 meeting. If not, they will have no choice but to sue Starr King." A copy of Ms. Lederman's October 27, 2014 letter is attached hereto as Exhibit K.

On October 31, 2014, Mr. Teeling responded to Ms. Lederman's October 27 letter. Mr. Teeling stated: "The questions of your clients at the interviews will be presented by a member of the ad hoc committee. Your clients and the ad hoc committee will be permitted to have legal counsel present." Mr. Teeling further stated that "one member of the ad hoc committee will be physically present," and that the "other members may be present electronically, and all members will be able to review the transcripts of the interviews." Mr. Teeling again requested that Ms. Lederman, "please reply with confirmation that Student 1 and Student 2 will be attending these interviews as scheduled on November 6, 2014." A copy of Mr. Teeling's October 31, 2014 letter is attached hereto as Exhibit L.

On November 3, 2014, Ms. Lederman again wrote to Mr. Teeling. Ms. Lederman stated, "we are going to set some additional ground rules for the meetings on November 6... 1) All the ad hoc committee members must be present physically or by Skype... 2) This will be in the nature of a confidential settlement meeting, with participants signing a confidentiality agreement... 3) You will submit all of the questions in writing by 5pm tomorrow." A copy of Ms. Lederman's November 3, 2014 letter is attached hereto as Exhibit M.

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On November 4, 2014, Mr. Teeling responded to Ms. Lederman's November 3, 2014 letter. Mr. Teeling informed Ms. Lederman that, "[t]he interviews of your clients with the ad hoc committee will proceed on the terms and with the ground rules as set forth in my October 31, 2014 letter." Mr. Teeling further stated: "The date of November 6 was set several weeks ago, and various scheduling accommodations have been made to ensure that the interviews occur on that date. There will not be a further postponement of the scheduling of the interviews." A copy of Mr. Teeling's November 4, 2014 letter is attached hereto as Exhibit N.

On November 4, 2014, Ms. Lederman resent her November 3, 2014 letter with the additional heading "Re-faxed Nov. 4, 2014. See items 1-3. Interviews will not go forward unless these ground rules are acknowledged." A copy of Ms. Lederman's resent November 3, 2014 letter with the additional heading is attached hereto as Exhibit O.

On November 4, 2014, Mr. Teeling responded to Ms. Lederman's resent November 3, 2014 letter. Mr. Teeling reiterated that, "[t]he interviews of your clients with the ad hoc committee will proceed on November 6, 2014, at the time and place as stated in my October 31, 2014 letter." Mr. Teeling further stated that, "[t]he interviews will be conducted according to the ground rules laid out in my October 31 letter." Mr. Teeling stated as well that, "[a] member of the ad hoc committee and I will be present and prepared to conduct the interviews at the stated times." A copy of Mr. Teeling's November 4, 2014 letter is attached hereto as Exhibit P.

On November 4, 2014, Ms. Lederman sent an additional letter, this one with the heading "SETTLEMENT COMMUNICATION." Ms. Lederman stated that her clients "are willing to meet with the full ad hoc committee, together at 6pm on Thursday [November 6]." Ms. Lederman further stated that "this will be a direct conversation between our clients, using the anti-oppression principles espoused by Starr King to try to resolve the dispute." Ms. Lederman further stated that the interview would be "a confidential settlement discussion with all parties signing a confidentiality agreement regarding the meeting, and the conversation will not be recorded or transcribed." Ms. Lederman further stated: "If the ad hoc committee does not want to meet with Student 2 and Student 1 we will go the litigation route." A copy of Ms. Lederman's November 4, 2014 letter is attached hereto as Exhibit Q.

On November 5, 2014, Mr. Vartain responded to Ms. Lederman's November 4, 2014 letter. Mr. Vartain stated: "The meetings of your clients with the ad hoc committee tomorrow remain firmly calendared and, notwithstanding your letters, a committee member will be present at the designated time and place to receive your client's delivery of documents and materials and to conduct the interview of your clients."

Mr. Vartain further stated: "This is the opportunity for your clients to: (1) share with the ad hoc committee the documents and materials that were requested by the committee; and (2) provide the interview that was requested by the committee."


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Mr. Vartain further informed Ms. Lederman: "Any objections that your clients may have to any specific topic of inquiry, whether as to privacy, pastoral communications etc., can be made by your clients (and you will be present to assist them) and will be duly noted at the time and place of the interview."

Mr. Vartain informed Ms. Lederman that, "[t]he committee does not accept your request that the meetings tomorrow be conducted as a legally confidential settlement communication."

A copy of Mr. Vartain's November 5, 2014 letter to Ms. Lederman is attached as Exhibit R.

On November 6, 2014, Ms. Lederman sent a letter to counsel for the School. Ms. Lederman stated, "we do not agree to the format you have proposed... [w]e will however show up at 6pm as Student 2 and Student 1 wish to present a written statement to the committee, which we will videorecord." Ms. Lederman further stated: "We will not be there at 4:30 because there is no reason to separate Student 2 and Student 1." A copy of Ms. Lederman's November 6, 2014 letter is attached hereto as Exhibit S.


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