



May 8, 2014

To: The Starr King School for the Ministry Community:
Students, Staff, Faculty, Trustees, Presidential Search Committee

From: Helio Fred Garcia, Chair, Board of Trustees

Re: Update and Next Steps

Dear Friends,

The Board of Trustees met on May 1 and 2 and, among other things, reviewed the current state of affairs, actions we have taken in the last month, and steps we are planning to take in the immediate future.

I encourage you to read this update to the very end.

Restorative Justice Discovery Process

Strengthening the health and well-being of the Starr King community is a high priority for the School. The last six weeks have been a time of turmoil: a time of anger and suspicion, of disappointment and wariness, of fear and confusion. Events have taken a toll on many people. People have been hurt. Confidentiality has been violated and privacy has been breached. Accusations have been made and defenses have been voiced.

In mid-April we retained J. Miakoda Taylor of Fierce Allies to undertake a Restorative Justice (RJ) initiative. The first step was a discovery process intended to result in preliminary recommendations of the most appropriate and effective application of Restorative Justice towards fostering mutual accountability, repairing harm, reversing cycles of mistrust, and restoring of a healthy environment at Starr King.

I am grateful to Miakoda for the compassionate and careful work she has undertaken during this discovery phase, during which she has personally interviewed a number of people who have been most closely involved with and/or impacted by recent events. We believe the RJ process, which will take time to unfold over the coming weeks and months, will indeed assist the whole Starr King community to attain a new level of strength. But there is a good deal of work to do before we get there, beginning with establishing a basic understanding of the events that have taken place and the harm that has occurred as a result.

A Brief Narrative of Events

We began this RJ initiative in response to a series of events that took place at the end of March and the beginning of April. At the end of March, as the presidential search committee was preparing to make its final report to the board of trustees, highly sensitive and confidential

documents meant only for the eyes of the search committee came into the hands of people outside of the committee. These documents contained private assessments of the final presidential candidates as well as responses to survey questions which had been submitted to the search committee by students, faculty, staff, and others with the expectation they would be held in strict confidence, as were all of the evaluative materials reviewed by the search committee, in accordance with the stated charge to the committee by the Board of Trustees.

The confidential documents began to be circulated, without authorization, among members of the Starr King community outside of the search committee before the board met on March 31.

On March 31, the Board of Trustees met in executive session, and received and acted on the recommendations of the search committee. Trustees were asked and expected to hold the results of that meeting in strictest confidence until negotiations were completed with the final candidate.

Negotiations with the selected candidate, Rev. Rosemary Bray McNatt, were completed the morning of April 4, and the announcement of the new president was sent to the Starr King community mid-day on April 4.

That same morning, shortly before the new president was announced, 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 contained information about the March 31 board meeting that suggested the confidentiality of the discussions from the March 31 meeting had been breached.

The Friday special 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.

On Sunday, April 6, an anonymous email, signed by "Strapped Student", expressed concern that the presidential search process had been corrupted. Attached to the email was a redacted version of the confidential search committee documents, which had previously been leaked to community members outside of the search committee. The email was sent to a very wide audience, including most members of our Starr King community, the leadership of our accrediting body, the GTU, our larger denominational leadership and structures, the news media, and others.

On the afternoon of April 6, 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.

In mid-April we engaged Miakoda and Fierce Allies to conduct a Restorative Justice initiative, and she began interviews to establish some initial findings that would determine and inform our readiness to move forward with a Restorative Justice approach.

The Resulting Harm

In summarizing some initial conclusions of the discovery process, Miakoda shared with the board:

- “The entire community has suffered as a result of these events, most notably the school's credibility as an institution that prepares individuals for roles and duties of religious leadership.
- No less significantly the personal and professional reputations of many individuals may have been affected, including the presidential candidates, search committee members, board leadership, school leaders, students, faculty, and staff. People's current and future careers have been impacted, as have existing and future relationships with institutions and individuals important to their careers.
- The School's relationships with several donors are at risk of harm, putting the financial future of Starr King in jeopardy.
- Excessive amounts of time, energy, money and stress have been expended. A very sad and contentious environment has been created upon which the graduating students and Dr. Parker are meant to depart and incoming students and Rev. McNatt are meant to begin their tenure at SKSM.
- The fabric of trust and safety at SKSM has been deeply frayed. The basic expectation that everyone in this community is a good person and operating with the best of intentions has been replaced, by many, with an assumption of mal-intent and judgment of character.
- The reputation of the school as well as the reputation of every member of this community has been severely compromised (with some individuals' reputations likely affected more than others due to disclosure of confidential information and public accusations). This reality creates a highly contentious environment in which to pursue Restorative Justice.”

Initial Recommendations

As part of her initial findings Miakoda notes:

- “Many issues of deep concern pre-dated the presidential search process. All of these issues [the historical ones and those noted above] warrant serious consideration during the course of this process. It is important that appropriate attention be applied to each, in a timely manner, and according to a strategic and thoughtful sequence. Many of the historical issues should be attended to under the leadership of the new president. The issues related to the presidential search process need to be attended to as soon as possible.

There is general agreement that multiple acts of misconduct have occurred. All responsible parties should be held accountable.

- Admission of responsibility is a pre-requisite for RJ to be effective or appropriate. In the absence of anyone admitting responsibility for harmful actions, it is inappropriate for RJ to be applied at this time. Before you conclude that the responsible parties are not willing to come forward, you should make clear to the community what codes were violated and what consequences will ensue, so they can make an informed choice to come forward or not.
- These recommendations are being presented according to a strategic sequence, intended to get the SKSM community to a place where RJ could be effective and appropriate."

We appreciate Miakoda's honest assessment and thoughtful commitment to creating the conditions in which RJ could be effectively utilized in our community. We expect to continue to engage her services and guidance. I am writing this update in response to Miakoda's advice to provide clarity about the breaches that have occurred, and of the consequences that may result.

Legal Counsel

The Board of Trustees and the School's Administration have discussed this matter with the School's outside attorneys. After hearing from counsel, it is clear that:

- The confidential search committee internal documents, revealing the individual assessments of the three presidential finalists, that became public, are the property of the School.
- The intentional dissemination of these confidential documents may be a crime.
- Anyone who has intentionally conveyed these documents, knowing their confidential nature, may have committed a crime.
- Anyone who has received and currently possesses these documents may be in possession of stolen property.

In order to prevent further harm as a result of the improper breach of confidentiality that occurred, we ask that, if you have received these documents, you:

1. Promptly delete all electronic copies (including those on computers, back-up drives, other storage devices, phones and tablets);
2. Promptly destroy all hard copies, or return the hard copies to me care of the school;
3. If you have received copies of the confidential documents, and you know from whom you received them, please provide that information to the School by communicating to me; and
4. If you have distributed the documents, whether accidentally or intentionally, that you please notify the School, by contacting me as soon as possible. My contact information is at the end of this letter.

Starr King Policies and Educational Requirements

The Student Handbook states, “Both programs (M.Div. and M.A.S.C.) incorporate the development of personal qualities and habits to become a successful leader, such as mature judgment, self-awareness, and an ability to listen and to work in diverse communities, spiritual grounding, spiritual practice, integrity, responsibility, sensitivity, sustainability, ethical discernment, and creative imagination.”

The Faculty Handbook makes clear that in the case of grievous misconduct, a faculty member may be terminated immediately. Examples of grievous misconduct noted in the Faculty Handbook include: “Failure to maintain the confidentiality of proprietary information.”

Other Accountabilities

Students preparing for the ministry have ethical obligations to denominational bodies, the professional ethics/codes of conduct expected of spiritual directors, pastoral counselors, and chaplains. In the case of Unitarian Universalists, once the student is a candidate for fellowship and joins the Unitarian Universalist Minister’s Association (UUMA), they also have obligations to the standards and professional ethics of the UUMA. Students and faculty members who are members of the UUMA are bound by the covenant and code of conduct of the Association. The code of conduct includes the following:

“Within the limitations of law, I will respect confidences given me by colleagues and expect them to respect mine.”

“I will not speak scornfully or in derogation of any colleague in public. In any private conversation concerning a colleague, I will speak responsibly and temperately. I will not solicit or encourage negative comments about a colleague or their ministry.”

“These Expectations of Conduct apply to all forms of public or private media, including electronic or internet communications.”

The President of the UUMA has spoken to me, inquiring about the investigation being conducted into the incident, and she voiced her concern about the impact of the incident on our members and our ministry.

The Director of Ministries and Faith Development for the UUA has also expressed her concern that if there have been ethical violations of this nature those responsible are not appropriate for our ministry or for service as staff for the school.

Consequences

All those with whom we have consulted have strongly concurred that those who have committed ethical violations need to be held accountable. Be advised that a thorough investigation is currently being conducted.

The severity of consequences of intentionally disseminating (or participating in the dissemination) of confidential documents will depend upon the magnitude of an individual's involvement and the nature of the harm caused. In deciding the disciplinary action to be enforced, if you inform the school yourself of the misconduct you participated in, rather than if we find out through other means, that will be considered a positive factor for you.

Potential consequences for students include:

- Relatively minor consequence (for minor, unintentional, or innocent distribution). These could include a public apology, remedial work in order to qualify for graduation, or some other corrective action.
- Academic probation.
- Delay of graduation while remediation is undertaken.
- Not graduating.
- Expulsion from the school.
- Negative references provided to credentialing bodies for ministry, chaplaincy, and other forms of religious leadership, including to the Unitarian Universalist Ministerial Fellowship Committee.

Potential consequences for staff or faculty members include:

- Disciplinary action up to and including termination of employment.
- Notification and/or negative references provided to credentialing bodies for ministry, chaplaincy, and other forms of religious leadership.

Conferral of Degrees

As is stated in the Degree Requirements section of the SKSM website (http://sksm.edu/academics/master_of_divinity.php), 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 receive and not to reveal confidential information.

It also states “The M.Div. degree is awarded by vote of the Board of Trustees.”

The conferral of degrees and certificates is typically voted on during the Spring Board meeting (last week). During that meeting the Board deferred the vote on conferral of degrees and certificates

to a later time, to be determined by the Board Chair. This decision was made as a result of the following:

- We could not in good conscience fulfill our educational and professional obligations by voting to confer degrees when there was a substantial likelihood that one or more of the candidates for graduation may have participated in such a significant breach of ethics, covenantal relationship, law, and judgment.
- The Board has serious concerns about the readiness for religious leadership of those who have participated in the dissemination of confidential documents.

Continued Commitment to Restorative Justice

We remain hopeful that once the responsible actors have become known and appropriate consequences have been administered, we can move forward with a wider process of restorative justice. As an effort in this direction Miakoda will be facilitating a Talking Circle style meeting with any and all members of the community. I will be attending via teleconference. The intention of this gathering is to allow Miakoda and me to hear and consider your responses to this letter as we determine next steps. This event will happen sometime the week of May 12. We will share more details about the time and location as soon as we have them.

In my letter to the community on April 6, I expressed my personal dismay and shared how deeply saddened I was that it has come to this. I also expressed awareness of the challenges the breach had created, not just for the new president, but for all of us who care so deeply about the school.

The events of recent weeks have only reinforced my sense of dismay and sadness. Still, I am heartened that we have initiated a restorative justice effort that aims to help us all get into right relationship and to foster not only healing but a new sense of trust and caring. I echo the comments of our next president, who in a different context said “things will get worse before they get better, but they will get better”.

I thank you for your forbearance during this extremely difficult time.

Sincerely,



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

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