



## At Temple Oheb Shalom Ratification FAQs

### **Q. What am I as a member being asked to do?**

**A.** You are being asked to ratify the Board of Trustees decision to terminate, for cause, Rabbi Fink's employment as Temple Oheb Shalom's Senior Rabbi and spiritual leader. Your vote of YES to ratify the Board's decision will allow the congregation to move forward toward a more positive future.

### **Q. Who can vote and how?**

**A.** All Jewish adult members in good standing of Temple Oheb Shalom can, and should, vote. Single family households are entitled to one vote. In married family households, up to two adult Jewish family members are entitled to vote.

### **Q. What happens if I vote YES?**

**A.** A vote of YES will enable Temple Oheb Shalom to move beyond this painful period and begin to plan for a better and more stable future. The synagogue will continue to be spiritually guided by Rabbi Disick for a period of time and we will be able to participate in the CCAR's rabbinic placement process to attract the best candidates without questions as to Temple's loyalty to the URJ and CCAR.

### **Q. Why hasn't more factual information about the allegations against Rabbi Fink been shared with the congregation?**

**A.** The synagogue has been very mindful of its legal and moral responsibility to protect individual privacy and prevent potential defamatory statements. Rabbi Fink's privacy was protected as much as possible by not sharing publicly the details of multiple allegations even though we would like to. We are also mindful of the individuals that came forward with great trepidation to provide information. The factual details determined by the CCAR's fact finding team have been provided only to Rabbi Fink, the Complainants, the CCAR's Ethics Committee, our Board of Trustees, and our legal team.

### **Q. How can I vote if I don't know more facts**

**A.** You are not being asked to conduct a new investigation, or independently assess witness credibility, or confirm any underlying facts. This is not a civil or criminal trial, nor is it a public hearing.

Under our Bylaws, you are being asked to ratify the actions of your Board of Trustee, which was a unanimous decision based on thoughtful review and consideration of information provided by the CCAR and others. We ask that you respect and honor the findings and determinations of Rabbi Fink's rabbinic peers on the CCAR's Ethics Committee – the body uniquely qualified and experienced to determine who may serve as a reform rabbi in a URJ congregation.

**Q. What happens if I vote NO? Does Rabbi Fink continue to be Temple Oheb Shalom's Rabbi?**

A. A vote No is a rejection of the CCAR's process and standards, and a rejection of the Board of Trustees' unanimous vote that Rabbi Fink should not continue as our Senior Rabbi. Rabbi Fink is asking Oheb members to reject the standards of the URJ and CCAR, which are the governing bodies of the national Reform Movement. Ours would be the only URJ synagogue in Baltimore to assert such a rejection and flaunt the bodies that govern us. While a vote NO could mean that Rabbi Fink's contract remains in force and that he might be paid for the remaining term of his contract, Rabbi Fink should NOT be permitted to return to the Temple Oheb Shalom pulpit. Consider:

- Rabbi Fink has been suspended by the CCAR. A vote of NO means we are rejecting the CCAR's prohibition of Rabbi Fink performing rabbinic functions at Temple Oheb Shalom while we are a URJ congregation.
- A vote of NO creates legal risk and jeopardizes Temple's future insurance coverage for sexual harassment lawsuits, creation of unsafe work environment, etc. if we employ a rabbi as our leader knowing that he has been suspended from his professional organization for ethical violations, including those involving sexual boundaries.
- A vote of NO will continue to leave the Temple in limbo and prevent it from moving forward to a more positive future. Our ability to participate in the CCAR's rabbinic placement process to attract a new rabbi would be severely compromised if our Temple should publicly reject the CCAR's process and standards.
- A vote of NO means we will potentially have to continue paying Rabbi Fink for up to an additional 20 months for doing no work, as he is barred by CCAR from providing any rabbinic services to our congregation, engaging with our congregants or even his entering into our building.

**Q. Can Temple Oheb Shalom, a URJ congregation, retain a rabbi that has been suspended or expelled from the CCAR?**

A. The URJ and CCAR have informed us that if Rabbi Fink works in any rabbinic setting it becomes grounds for expulsion from the CCAR. The URJ has also informed us that there is no scenario in which a suspended or expelled CCAR rabbi has ever been retained by a URJ congregation. Other congregations have considered it and rejected that course of action. Retaining Rabbi Fink as a suspended or expelled rabbi would be a singular and unprecedented situation for a URJ congregation.

**Q. If the congregation votes NO and Rabbi Fink's contract is not terminated, does the congregation lose its membership in URJ, and does that even matter?**

A. The URJ has never in its history confronted that situation and it is discussing a possible new policy to address it now. The URJ has informed us that it will not allow a congregation that continues to use as its religious leader a rabbi who has been suspended or expelled from the CCAR to rejoin the URJ if it was a member of the URJ and left. We do not want to risk our ongoing membership in the URJ, or be seen in Baltimore and nationally as a pariah congregation for disregarding the CCAR and flaunting their process and values.

**Q. Was there a conspiracy involved to push Rabbi Fink out?**

**A.** Absolutely not. Contrary to Rabbi Fink's claims, we find it absurd to assume that the many dozens of people involved in this decision are all part of a vast conspiracy, or that everyone involved is making everything up. Consider:

- The Board and Past Presidents/Chairs include Rabbi Fink supporters, who after review of the evidence, have now all voted unanimously to terminate
- The CCAR is totally independent of Temple Oheb Shalom
- The Ethics Committee of the CCAR is 14 people (13 rabbis and 1 lay person) from around the country with no direct involvement with Temple Oheb Shalom, and they found violations of their Ethics Code and voted to suspend
- There were 20+ witnesses who provided information to the CCAR fact-gathering team

**Q. Was Rabbi Fink treated fairly and given appropriate due process?**

**A.** Absolutely Yes. Rabbi Fink has been paid while suspended for nearly 5 months during the course of this extensive process. This is an exceptionally longer paid suspension than is typical when claims are made against misbehaving executives, whose employment is often fully terminated immediately or within days.

This is not a criminal or civil proceeding, and the process and burdens of proof are different in this religious and ethics inquiry. The Board of Trustees and the CCAR meticulously followed all the procedural requirements for investigation and ultimate termination of Rabbi Fink, as set forth in the CCAR Code of Ethics, Rabbi Fink's contract (which he fully agreed to) and the Temple's Bylaws. Rabbi Fink had the opportunity to meet with our President before he was suspended (which he declined), had multiple opportunities to present and be heard before the CCAR in writing and in person, which he did, and he also presented in writing and in person – with no time limit -- before the full Temple Board of Trustees on September 26. The confidentiality of all involved with the process, including Rabbi Fink, was respected throughout the process.

**Q. Why should Temple Oheb Shalom follow the findings and conclusion of the Central Conference of American Rabbis ("CCAR")**

**A.** As a legacy member of the Reform movement's URJ for over 100 years, Temple Oheb Shalom has respected and followed the Reform movement's ethical standards, and our rabbis have always been members in good standing with the CCAR. We reviewed this matter ourselves and also respect the expertise and process by which the Ethics Committee conducted the fact-finding and the religious authority by which they reviewed their own Ethics Code and determined that Rabbi Fink violated that Code.

A vote of NO flaunts our longstanding Reform Jewish membership and turns our back on the entire movement.