



NOTICE OF SPECIAL MEETING

To: Temple Oheb Shalom Member

From: The Board of Trustees, Temple Oheb Shalom
Mina Wender, President

Date: October 3, 2018

**Re: SPECIAL MEETING OF THE CONGREGATION
OCTOBER 21 2018; AT 10:00 A.M. IN THE SANCTUARY
To Ratify the Termination of Rabbi Steven Fink's Employment Agreement
For Cause**

A special meeting of the Congregation will take place at 10:00 AM on October 21, 2018 for the Congregation to vote to ratify the Board of Trustees' termination of Rabbi Fink's employment as Temple Oheb Shalom's Senior Rabbi and spiritual leader. Rabbi Fink's employment contract explicitly requires him to abide by the Central Conference of American Rabbis ("CCAR") Code of Ethics and violations of the Code of Ethics or other gross malfeasance are grounds for termination "for cause." This memo outlines the role of the Board of Trustees in addressing this matter, the role of the CCAR and its Ethics Committee, and the responsibility you, as a valued member of our congregation, now have in bringing this matter to an appropriate conclusion.

Pursuant to our Temple Bylaws, the congregation is required to ratify the Board's decision to terminate Rabbi Fink's employment. Please review this entire letter carefully as your vote is very important. We want to provide as much information here as we are able so that all members are aware of what has happened to date and can make an informed vote on ratification.

I. The Board of Trustees receives and begins the process to address allegations of serious misconduct by Rabbi Fink.

Temple Oheb Shalom is a religious congregation that should and does have high ethical expectations for our Senior Rabbi, rooted in our Jewish teachings and values. The Board of Trustees takes seriously its responsibility to uphold our congregation's religious and moral mandate. As you know, our Board is comprised of dedicated congregants who have volunteered countless hours serving our synagogue over many years with love and who take their fiduciary responsibilities seriously.

On May 3, 2018, we wrote to inform you that Temple Oheb Shalom received in April a troubling allegation of an improper incident of a sexual nature between Rabbi Fink and a then-minor that occurred some years earlier. This was a very concerning allegation that the Board took seriously, as it must.

At the advice of counsel, the allegation was promptly referred to Maryland authorities as required by state law. The allegation and other pertinent information was also referred to the CCAR, the governing body of Reform rabbis formed in 1889, of which Rabbi Fink has been a member for decades. The referrals to the CCAR are standard practice for addressing these and other serious allegations in order for them to be evaluated by the appropriate religious body and their experienced and dedicated fact-finding team. Following these referrals, Rabbi Fink was suspended with pay by Temple Oheb Shalom while the synagogue awaited results from the CCAR's factual investigation.

This was an extremely difficult moment for the Board and its individual Trustees, most of whom have had a personal relationship with Rabbi Fink and his family for many years. Our Board took the actions necessary to fulfill their fiduciary responsibilities and to protect Temple Oheb Shalom and in the best interest of the synagogue.

II. CCAR Ethics Committee Investigates, Makes a Determination and Suspends Rabbi Fink.

The initial allegation as well as additional information were provided to the CCAR because it is the sole independent Reform movement rabbinical body with a broad mandate to investigate and adjudicate alleged violations of their Code of Ethics for Rabbis. Other witnesses contacted the CCAR on their own. Rabbi Fink is a member of the CCAR and has been for decades. There are currently approximately 2000 rabbis who are members in good standing of the CCAR, including Rabbi Berlin, Rabbi Disick, Rabbi Marion, Rabbi Nagel, and all of Temple Oheb Shalom's past rabbis since Rabbi Rosenau in 1892.

The CCAR has a published Ethics Code that reflects the teachings and values of our Jewish tradition and detailed procedures for investigating and adjudicating alleged ethical violations. (See <https://www.ccarnet.org/about-us/ccar-ethics/>). A CCAR investigation and adjudication is not a criminal or civil judicial proceeding. It is a peer review of whether a CCAR member rabbi is in compliance with the rabbinic ethical code and can remain a member of the Reform movement's rabbinic organization in good standing. Its process and standard of proof are different than criminal or civil proceedings. The CCAR investigation and adjudication is conducted by its Ethics Committee, made up of 13 Reform rabbis and one lay person from around the country.

The CCAR's Ethics Committee convened a fact-gathering team which spoke with more than 20 witnesses. Several witnesses supported Rabbi Fink and some had information about possible ethical violations. There were multiple allegations of inappropriate conduct by Rabbi Fink, including inappropriate and unwelcome physical, verbal and/or visual contact of a sexual nature. The CCAR Ethics Code states that "As rabbis vested with real and symbolic religious authority, we have the responsibility to recognize the vulnerability of those whom we teach,

counsel, and serve. It is our obligation to maintain appropriate boundaries in all situations and settings. Unacceptable behavior includes all forms of sexual harassment and intimidation, requests for sexual favors, and any unwelcome verbal, physical or visual conduct of a sexual nature.” While maintaining their confidentiality, please know that the witnesses are real people; they are not anonymous or fictitious complainants.

Rabbi Fink responded in writing and in person to the CCAR’s fact-gathering team, per the CCAR process. The fact-gathering team then produced a lengthy confidential report which was given to the Ethics Committee and to Rabbi Fink, who had an opportunity to provide in writing additional information. The Ethics Committee itself then met with Rabbi Fink directly. Significant care was taken by the CCAR and by Temple Oheb Shalom to maintain the confidentiality and privacy of the complainants and of Rabbi Fink throughout the process.

The fact-gathering team of the CCAR Ethics Committee found the initial complainant, who alleged sexual misbehavior by Rabbi Fink when she was a minor, to be credible and consistent. It further found multiple instances of Rabbi Fink making people uncomfortable and crossing personal boundaries. A serious concern of the Team was that Rabbi Fink did not have an awareness of ever making people uncomfortable. In asking him if he can recall a time when he might have made someone uncomfortable he indicated that he could not think of even one such time.

The Ethics Committee, in consideration of the CCAR’s religious and moral standards, and consistent with Jewish values, voted to suspend Rabbi Fink for multiple violations of sections **I.B (Personal Responsibility-Social), II.A (Rabbinic Relationships—The Congregational Staff), and V (Sexual Boundaries)** of its Ethics Code. That suspension indefinitely bars Rabbi Fink from performing any rabbinical duties at any Reform congregation or institution <https://www.ccarnet.org/ccar-expelled-rabbis> and is posted on the CCAR website.

III. The Board of Trustees finds violations of CCAR Code of Ethics for Rabbis and unanimously votes to terminate Rabbi Fink’s contract as our Senior Rabbi and spiritual leader.

Our Board of Trustees met on August 22, 2018 to carefully review the CCAR fact-gathering team report and other information. The issue facing the Board in reviewing this material was much weightier than simple consideration of a standard employment contract. Rather, the question the Board grappled with was could and should Rabbi Fink continue as Temple Oheb Shalom’s Senior Rabbi and spiritual leader in light of:

- CCAR’s findings and conclusion that Rabbi Fink violated multiple sections of the CCAR rabbinic Ethics Code
- CCAR’s suspension of Rabbi Fink from their rabbinic body
- CCAR’s barring of Rabbi Fink from engaging in any rabbinic activities in Reform Movement congregations and institutions.
- Temple Oheb Shalom’s own expectations of high ethical conduct in compliance with CCAR and religious standards

After careful review of the evidence, the Board found that Rabbi Fink's actions demonstrated multiple violations of the CCAR Ethics Code, just as the CCAR Ethics Committee had found, as well as gross malfeasance. The Board voted unanimously to begin termination proceedings "for cause." Notably, certain Board members who had previously expressed skepticism of the allegations, changed their view after thorough review of the independent findings of fact, concluding that there were multiple ethical violations. The Congregation's past presidents/board chairs who were present (i.e. Board members without a vote and who also heard the evidence presented) also unanimously indicated their agreement with the Board's action.

Rabbi Fink's employment agreement with the Congregation was to run to June 30, 2020, unless terminated earlier. His employment contract explicitly requires him to abide by the CCAR Code of Ethics. Specifically, "for cause," termination is defined to include "violations of the Code of Ethics/Conduct as described in the CCAR Standards of Professional Conduct publications; and/or other gross malfeasance regarding your conduct and duties." Furthermore, Oheb Shalom is a legacy member of the Union for Reform Judaism (URJ), the umbrella organization for our Reform Movement. Having been barred from engaging in any rabbinic activity at a Reform Movement congregation, Rabbi Fink would be unable to perform his duties as a rabbi at Oheb Shalom and therefore incapable of fulfilling his contractual obligations without violating the restrictions from the CCAR. Pursuant to his contract, the Board notified Rabbi Fink in writing of the "for cause" circumstances, and informed him of his right to challenge the "for cause" determinations before the Board in writing and in person.

IV. The Board unanimously votes to affirm termination following Rabbi Fink's appearance at a Special Board Meeting on September 26, 2018.

Rabbi Fink, per the process outlined in his employment agreement, submitted a written response to the Board. The statement was reviewed carefully at the meeting of the Board of Trustees on September 26 and Rabbi Fink also addressed the Board in person. Rabbi Fink was offered as much time to present information as he desired and was accompanied by his attorney.

The Board also heard directly from two of the complainants, whose detailed personal accounts were emotional and compelling. The Board then reviewed again all of the evidence and factual allegations against Rabbi Fink.

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. Moreover, Temple Oheb Shalom is first a community "dedicated to nurturing future generations of Jews." We seek the truth and stand up for it. We do not deny or minimize facts. We do not blame victims, shame victims or try to silence them. We recognize that individuals impacted by Rabbi Fink's behaviors have come forward in good faith, and in some cases, with great trepidation and fear of the personal costs of sharing painful information. We have striven to protect their privacy, as well as Rabbi Fink's, by maintaining confidentiality during this difficult time.

The Board carefully considered that Rabbi Fink has been suspended by the CCAR and barred from performing any rabbinical duties at a Reform Movement congregation. Under

CCAR rules, Rabbi Fink cannot resume good standing in the CCAR until he completes a *t'shuvah* process of self-examination and remediation, which could take months and years. To date, Rabbi Fink has not agreed to even begin the CCAR's *t'shuvah* process. Rabbi Fink explicitly agreed in his employment contract with our Congregation that violations of the CCAR Ethics Code constitute "for cause" that could result in termination of his employment agreement and now he has been found by our Board to have violated the CCAR Ethics Code.

The Board also received confidential legal advice at its meeting. The Board considered the serious legal, religious, and moral implications of retaining a rabbi who has been found to have repeatedly engaged in sexually inappropriate behavior despite warnings against such behavior.

Based fundamentally on religious and ethical considerations and all the information presented, the Board members present voted unanimously to affirm the Board's previous findings, remove Rabbi Fink as Senior Rabbi, and terminate Rabbi Fink's employment "for cause." The past presidents/chairs who were present at the Board meeting on September 26 likewise voted unanimously to endorse the Board's determination to terminate Rabbi Fink's employment.

We must emphasize that the Board's decision was not arrived at easily or without concern and compassion for all involved in this difficult matter. As part of the Oheb family and the Baltimore Jewish community generally, each Trustee was well aware of the import of the decision before them and the impact on individual lives and the Congregation's future. The decision was made in the best interest of the Congregation and in furtherance of each Board member's fiduciary duty to the synagogue. This was not a determination of guilt or innocence in a criminal proceeding. This was a determination of whether, in light of the evidence of serious ethical violations and gross malfeasance, Rabbi Fink should continue as Oheb's Senior Rabbi and spiritual leader.

V. Congregation ratification of the termination of Rabbi Fink's employment will allow us to move beyond these painful events.

Your vote to ratify the Board's action is critically important to the future of our Congregation. Article VII, Section 3 of the Congregational Bylaws states, "The affirmative vote of two-thirds (2/3) of all the members present, in person or by proxy, at such a meeting of the Congregation shall ratify the termination for cause to remove a Rabbi or Cantor, subject to the terms of any applicable Clergy contract."

The Board feels strongly that Rabbi Fink's employment agreement should be terminated for cause and we ask you to ratify that decision with confidence that we are moving toward better days for Temple Oheb Shalom. 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 Trustees, which was a unanimous decision based on thoughtful review and consideration of information provided by the CCAR and others. We hope that you will

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 Reform Movement congregation.

Rabbi Fink explicitly acknowledged in his employment agreement that violations of the CCAR Ethics Code were a legitimate basis for his termination for cause. And quite simply, as an ethical and religious matter, Rabbi Fink cannot continue to be the religious and spiritual leader of this Congregation. Your vote to ratify Rabbi Fink's termination will permit the Congregation to move forward from these painful past few months.

We do not expect to provide additional information or accept questions at the Congregation meeting, which I expect will primarily involve conducting a vote on this ratification. I hope you will attend the Congregation meeting and vote to ratify the Board's termination of Rabbi Fink's contract.

Your vote can be made at the scheduled meeting or by proxy attached here. If you cannot attend the meeting, I have attached a written proxy that you can use to vote. If you would like to vote by proxy, the proxy must be completed, signed, and filed with the Office of the Executive Director (Ken Davidson) no later than 9:00AM on October 21, 2018. Proxies can be filed by personal delivery, US Mail, facsimile to 410-358-3313 or by email to ken@templeohebsshalom.org. A previously filed proxy can be revoked before that same time and your presence at the Congregation meeting shall be deemed a revocation of the proxy.

The Board's decision on September 26 was a sad and unique moment in the history of our Congregation. It was taken with the greatest seriousness and awareness of the facts and implications for our Congregation. We believe that a renewed, revitalized and hopeful future can now begin with the Congregation's ratification of the Board's difficult decision. I respectfully ask that you acknowledge the appropriate role of the Board in reviewing the evidence and making this decision by ratifying the actions of your Board of Trustees which has spent many hours endeavoring to do the right things for this Congregation, in fairness and respect for the privacy of all involved.