

Episcopal Church pressed on firings

by [G. Jeffrey MacDonald](#) in the [May 11, 2016](#) issue

Some legal scholars and advocates are calling for more disclosure about the managerial misconduct that led to the firings of two senior Episcopal Church administrators after a four-month misconduct investigation.

Sam McDonald, chief deputy operating officer, and Alex Baumgarten, director of public engagement, “violated established workplace policies” and “failed to live up to the church’s standards of personal conduct in their relationships with employees,” Presiding Bishop Michael Curry said in a brief statement April 4. Through a spokesperson, he said the church would have no further comment on the matter.

By saying nothing about what types of violations occurred, the church heightens the risk that wrongful behavior will be repeated elsewhere as McDonald and Baumgarten move on, according to Colby Bruno, senior legal counsel for the Victim Rights Law Center, a national nonprofit that provides free legal services from its offices in Boston and Portland, Oregon. The silence also discourages other victims from coming forward.

“They’re glossing over what is a big problem, but what the big problem is, obviously no one is to know,” Bruno said. “All of this cover-up might not be good for the future.”

Bruno said the 2-million-member Episcopal Church is bucking a societal trend toward increased transparency.

“What we see in our culture is that people are getting more transparent about [misconduct], more victims are disclosing, more colleges are expelling, and workplaces are being more vigilant,” Bruno said.

McDonald and Baumgarten have not been charged with any crime and did not respond to requests for comment. A third administrator, Chief Operating Officer Stacy Sauls, will remain on staff but will not continue as COO. The investigation found Sauls was unaware of the misconduct and violated no policies.

From December through March, independent investigators from the New York law firm Curley, Hessinger, and Johnsrud pored over thousands of pages of documents and interviewed more than 40 people, according to Curry. Workplace investigations of such scope are often looking for patterns of sexual harassment, Bruno said.

Curry's statement said "old patterns of behavior which are not helpful" must be changed at the church's national headquarters in New York City, but he offered no specifics. A human resources consulting firm has been hired to do a staff culture audit and retrain all staffers to bring about "a healthier direction."

When Bob Honeychurch learned about the call for culture reform, he recalled the four years he spent on the church's national staff, from 2008 to 2012. Women were excluded from important decision making even when they held high offices and had relevant skills and experience to offer, he said.

"Many times the men were ordained, and many times the women were not ordained," said Honeychurch, 59, who teaches church leadership at Bloy House at the Episcopal Theological School at Claremont. "They weren't treated with the same level of respect as the men."

With regard to McDonald and Baumgarten, observers say the church's terse response might be necessary to honor confidentiality agreements. In such agreements, terminated employees typically promise not to sue in exchange for severance payments and an employer's promise to not tell anyone what happened, according to Matthew Schatz, an employment attorney in Manhattan.

"Anybody who loses a job under circumstances like this would want it to be kept quiet so that they have a chance of finding employment elsewhere in the future," said Schatz, a partner at Schwartz and Perry.

But there are risks to not publishing the investigators' findings at all, said David Gregory, executive director of the Center for Labor and Employment Law at St. John's University.

"If you make certain disclosures, you might get sued, but you can defend against a lawsuit that has no merit," Gregory said. "But if you don't publish and somebody subsequently is assaulted by one of these persons, then you've got the knowledge that you didn't do the right thing at the right time. And that could lead to complicity of a criminal nature."

For Russell Randle, a member of the Episcopal Church's governing board who is an attorney in Washington, D.C., the church's stance is not only legally prudent but also beneficial to whistleblowers.

"If anytime somebody makes a whistleblower complaint it's going to be spread across the pages of your paper or others, it's going to put a real damper on anybody coming forward with a whistleblower complaint," he said.

Others believe the Episcopal Church has said enough for now but will need to disclose more soon. Liz Shear, a professor of nonprofit governance at the University of San Diego, said rank-and-file church members will eventually need more information in order to restore their trust.

"This isn't the end," Shear said. "They'll say something about whatever the culture was: whether it was fear or permissiveness or whether you were supposed to turn a blind eye to things." —Religion News Service

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