

Mediation Proposal

Robert Hiller Malm

- Acknowledge in writing to Plaintiff that clergy always have responsibility for establishing and maintaining boundaries in pastoral relationships.
- Acknowledge in writing to Plaintiff that he repeatedly has breached norms for healthy pastoral relationships, the baptismal covenant, and his oath as clergy through his conduct towards Plaintiff, including:
 - Referring to Plaintiff in emails to the diocese as “sick,” “twisted,” and “dysfunctional.”
 - Referring to Plaintiff in emails to the Grace Church vestry as a “sad individual, starving for attention.”
 - Making false statements of law and fact to the police and courts, including:
 - That Plaintiff is a “domestic terrorist.”
 - That Plaintiff never served as a police officer and was never licensed as an attorney.
 - That Plaintiff had “stalked,” “threatened,” and “harassed” Malm and his family.
- Acknowledge in writing that he has never been threatened, stalked, or harassed as defined by law, either in Virginia or Massachusetts.
- Acknowledge in writing that persons who have experienced abuse of any sort in a church setting have the right to speak out about their experiences, and that efforts to impose a non-disclosure are themselves abusive and unhelpful to the mission of the church. In other words, covering up abuse never heals it.
 - Acknowledge in writing that he expressly agreed during the Fredericksburg meeting, in front of Bishop Shannon Johnston and Pat Wingo, that the agreement extended only to those in the room, and that family members would continue to blog and otherwise publicly criticize Defendant.
 - Agree to no further contact via any means, direct or indirect, with the Plaintiff, his husband, or any member of Plaintiff’s family.
 - Agree to an anti-disparagement provision that covers direct statements, such as referring to Plaintiff as “sick and twisted,” and implicit criticism and micro-aggressions, including asking employers like FCCFC if Plaintiff is receiving mental health care.
- Motion the Alexandria VA and Wareham courts to rescind their protective orders.
- Publicly support a program to effect health and wholeness at Grace Episcopal Church.
- Make financial restitution to Plaintiff in the amount of \$400,000, reflecting:
 - The emotional distress his illegal attempt to subpoena Plaintiff’s late mother caused her during her final illness.
 - Reputational damage to the Plaintiff caused by Defendant’s defamatory statements.
 - Legal expenses caused by Defendant’s fabrications, perjury, and other misconduct.
 - Emotional distress inflicted upon Plaintiff’s spouse by Defendant’s defamatory statements and other conduct.

Episcopal Diocese of Virginia

- Acknowledge in writing that it has violated the terms of Title IV of church canons by permitting Defendant to violate the following Title IV prohibitions:
 - Clergy shall not engage in criminal acts. (IV.4.1[h][5])
 - Clergy shall not engage in dishonesty, fraud, deceit or misrepresentation. (IV.4.1[h][6])
 - Clergy shall not engage in any Conduct Unbecoming a Member of the Clergy. (IV.4.1[h][8] & IV.2)
 - Document should be signed by bishop, executive board and standing committee.
- Acknowledge in writing that the Diocese has repeatedly violated TITLE IV.8, which provides:

Sec. 1. The Bishop Diocesan shall provide for appropriate pastoral response whenever any report is made to the Intake Officer. Such pastoral response shall embody respect, care, and concern for affected persons and Communities. The response shall be designed so as to promote healing, repentance, forgiveness, restitution, justice, amendment of life and reconciliation among all involved or affected. If the report involves an allegation of Sexual Misconduct, the Bishop Diocesan is encouraged to provide for a pastoral response that will include the provision of assistance by a mental health professional with appropriate skills for meaningful response to affected persons. (Emphasis added.)

- Note that a Title IV pastoral response is NOT pastoral care, but may include pastoral care.
- Document should be signed by bishop, executive board and standing committee
- Agree to adhere to all Title IV provisions in the future, including providing a pastoral response for any and all complaints to an intake officer.
 - Document should be signed by bishop, executive board and standing committee
- Address in a manner consistent with Title IV all complaints made to the diocese, including those involving spiritual and emotional abuse.
- Treat emails from clergy that reference church members as “sick,” “twisted,” “dysfunctional,” etc., as inappropriate, versus ignoring such rhetoric, thus implicitly condoning it.
- Amend canons to require approval of standing committee and chancellor before a parish may initiate litigation against any person or organization.
- Develop a written plan and mechanism to address future complaints that may not rise to the level of a Title IV offense.
- Obtain Title IV training for key diocesan personnel, including all bishops, the chancellor, the intake officer, the executive board and the standing committee.
- Appoint additional Title IV intake officers, provide adequate training, and make clear that they must adhere to all church canons, including the requirement that a pastoral response be provided whenever a complaint is made to the intake officer — even if it is dismissed.
- Develop a updated safe church policy for all parishes that extends beyond sexual misconduct and expressly includes bullying, harassment, retaliation, and spiritual abuse.
- Publish normative behaviors adapted from those of the Diocese of Southern Virginia. (Exhibit A)
- Retain an independent investigator to conduct an unbiased inquiry into Defendant’s conduct towards Plaintiff, as well as Fanny Belanger’s allegations of emotional abuse by Defendant.
 - Once perjury and other abusive conduct is verified, implement a Title IV response against the Defendant, preferably via agreement between the bishop diocesan and the defendant. Provide a pastoral response to anyone who requests it (may include

parishioners, vestry members, members of Respondent's family, Fanny Belanger, and others.)

Episcopal Diocese of Massachusetts

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 - Clergy shall not engage in dishonesty, fraud, deceit or misrepresentation. (IV.4.1[h][6])
 - Clergy shall not engage in any Conduct Unbecoming a Member of the Clergy. (IV.4.1[h][8] & IV.2)
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- Develop a written plan and mechanism to address future complaints that may not rise to the level of a Title IV offense.
- Obtain Title IV training for key diocesan personnel, including all bishops, the chancellor, the intake officer, the executive board and the standing committee.
- Develop a updated safe church policy for all parishes that extends beyond sexual misconduct and expressly includes bullying, harassment, retaliation, and spiritual abuse.
- Publish normative behaviors adapted from those of the Diocese of Southern Virginia. (Exhibit A)

Bishop Susan Goff

- Acknowledge in writing that she violated Plaintiff's trust when, contrary to Pat Wingo's offer following the Fredericksburg meeting to serve as a resource if problems arose, +Goff rejected Plaintiff's request for assistance over new sources of emerging conflict on the basis that she was unfamiliar with the situation and would defer to +Johnston — who never did respond to Plaintiff's request for assistance. Thus, the current situation was largely caused by +Goff's inaction.
- Agree in writing to adhere to Title IV and all church canons; it is disingenuous and hypocritical to spend seven years in litigation over the applicability of church canons to property ownership, yet brush aside the canons when convenient to do so.
- Read, and ask key staff to read, Canon Robin Hammeal-Urban's book, "Wholeness After Betrayal: Restoring Trust in the Wake of Misconduct."
- Develop a program to bring health and wholeness to Grace Church through a program of disclosure and truth-telling, modeled on that described in Canon Robin Hammeal-Urban's book. While this may be costly and take several months, it is essential if the parish is to survive and overcome years of unhealthy conflict. Moreover, it is unfair to Mtr. Anne Turner to expect her to resolve these issues while trying to maintain healthy relationships with parishioners.
 - Implement using an independent third party acceptable to Plaintiff and rector.
- Upon reaching conciliation, speak to the vestry and from the pulpit at Grace Church and establish clear expectations and normative behaviors for the church and its members.
 - Make clear the bullying is never acceptable, and that conduct within the church is causing severe damage to the parish.
- Provide written guidance to all canonically resident clergy that the only the highest standards of behavior are acceptable, making clear that the diocese's traditional approach of burying its head in the sand is over, and that the diocese will take action against clergy who do not adhere to their ordination vows.
 - Such spiritual renewal is essential if the diocese is to survive.

Grace Episcopal Church

- Issue a written public apology for its collective conduct (obscene gestures, threats, homophobic statements, gossip, speculation about mental health, claims of embezzlement) towards plaintiff, signed by rector and associate rector and all current vestry members.
 - Read apology from pulpit
 - State in apology that Plaintiff and his family are welcome at Grace Church should they ever wish to visit, attend a funeral, etc.
 - Quietly remove plaque naming new narthex the Robert Hiller Malm narthex, and cease referring to it as such, on the basis that naming part of the building after a perjurer is inappropriate.
- Issue a public statement via newsletter acceptable to rector, bishop, and Plaintiff concerning reconciliation and efforts to establish healthy internal dynamics within the parish.
- Adopt written normative standards of conduct modeled on those in Exhibit A.
- Adopt written policy prohibiting use of parishioners as legal counsel due to the inherent conflict of interest and the lack of accountability.

Kelly Gable

- Either retract in writing her claim that Plaintiff embezzled from RPJ Housing, or fulfill her fiduciary obligation to the organization as former assistant executive director by initiating criminal proceedings against Plaintiff.
- Sign written anti-disparagement agreement.
- Agree to no further contact.

Jeffery Chiow

- Acknowledge in writing that his claims to Alexandria police of being “stalked” were inappropriate.
- Acknowledge in writing that his litigation-related conduct was inappropriate and violative of the baptismal covenant. This includes inflammatory language in pleadings, false statements of law and fact, inclusion of imaginary locations and fictional church shootings.
- Acknowledge in writing that victims of church abuse have a right to share their experiences publicly, and that such activity enjoys First Amendment protection. It is not a form of “harassment,” illegal, or a form of “domestic terrorism,” no matter how often publication occurs.
- Agree to no further contact.

Chancellor JP Causey

- Cease advising diocesan officials to violate Title IV by “not getting too involved.” Emphasize caring first for persons involved, versus protecting the organization.
- Formally abandon position that diocese cannot “get involved with litigation.” Litigation does not automatically confer immunity from Title IV accountability when clergy engage in perjury, perpetrate frauds upon the court, and otherwise engage in conduct unbecoming.

Alison Campbell

- Agree in writing to no further contact.

Lisa Medley

- Agree in writing to no further contact.
- Agree to cease and desist from public disclosure of member donations to Grace Church and its programs.

Lindsey Malm Anders

- Agree to written anti-disparagement agreement.
- Agree to no further contact.

Leslie Malm

- Retract her statements made to Dee Parsons that Grace Episcopal School teachers fear Plaintiff will “come in and shoot up the place,” or identify those teachers by name and the source of her information.
- Agree to written anti-disparagement agreement.
- Agree to no further contact.

Exhibit A

the Episcopal Diocese of Southern Virginia



As Episcopalians in the Diocese of Southern Virginia, we believe our life together must be shaped by and reflect the values revealed in our baptismal promises:

- to proclaim the Good News of God in Christ;
- to seek and serve Christ in all persons, loving your neighbor as yourself; and
- to strive for justice and peace among all people, respecting the dignity of every human being.

Created by the Transition Team and adopted by the Standing Committee and Executive Board.

Diocese of Southern Virginia, 2006

The Baptismal Covenant,
Book of Common Prayer, p. 305

Exhibit A. Cont'd

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Norms

A pattern for living

Our baptismal values provide the foundation for norms that govern the ways we will strive to live and work together as Christians. Our goal is to live out these principles in our work together in the Diocese, making them a pattern of living in prayer, word, and action, with individuals being consistently invited and challenged to live into the larger vision of our Diocese rooted in the Baptismal Covenant.

You are encouraged to post the norms in your meeting rooms, to refer to them as you go about the Church's business, and to offer feedback on your experiences.

What YOU can do as one individual...

You can contribute to responsible and assertive problem solving in your individual relationships by:

- Discussing what is bothering you only with those who can do something about it.
- Allowing someone to complain to you only when you can do something about the matter. Not permitting complaints when you can do nothing to change the situation.
- Asking others "How might I/we help you think of ways to do something about your concern?" or "What do you propose to do about this matter?"



Group Meetings *Vestry meetings, committees, Con-vocations, commissions, Diocesan Councils*

Effective outcomes and the use of our time in determining appropriate courses of action are promoted when we:

- Develop and distribute an agenda/time table in advance.
- Start and end on time
- Come prepared
- Attend regularly
- Notify the chair when we are unable to attend
- Participate actively and are sensitive to others by not monopolizing time
- Work together to agree on actions
- Distribute minutes and to-do lists in a timely fashion.

Norms

How we live and work together in the Episcopal Diocese of Southern Virginia

Listen attentively

Honor the ideas and concerns of others by listening with care.

Practice courtesy

Observe relaxed courtesy in every gathering.

Respect all opinions

Respectfully include all opinions, even when there is disagreement.

Speak for self only Listen and speak from an "I" position (but do not speak for anyone else).

Model transparency

Act with honesty, openness, directness.

Honor confidentiality

Respect private or personal confidences when appropriate

Share decision-making

Share the power by including all persons affected by the process of decision-making.

Refrain from judging

Resist speculation or censure about the motives or spiritual maturity of others.

Communicate consistently

Make careful, consistent communication a priority.

Challenge in love

Challenge the times when we are not living up to our norms, speaking the truth in love.

Forgive generously.

Forbear and forgive each other's failings, with God's help.

Admit responsibility

Be publicly accountable for errors, seeking to learn from mistakes.

Be open to the new

Be receptive to exploring new ideas and possibilities.