

These notes, since they have not been officially adopted by the congregation, are not technically official. However, they have been reviewed and approved by all who presided and presented at the meeting.

**Special Congregational Meeting
Congregation Beth El of the Sudbury River Valley
Sunday June 28th 2024 2:00pm**

Opening: Rabbi Breindel: Anavah, or Humility, encourages us to listen to one another. Am I listening as fully as I might? Am I speaking from a place of compassion? Is my speech truly for the sake of heaven? When we insist that we are right we run the risk of undermining the bonds of trust and love within our community. When we resist the temptation to “stand in the place that we are right” we can listen deeply to one another, and can forge a path together with compassion, with trust, and with love of Beth El, our house.

Niggun: Cantor Vera

Welcome: Michelle Fineblum

Welcome everyone. Thank you for being here. I appreciate that every one of us is here, we are here because we care about our community. The most important thing to the Board is the well-being of the members and the community. No matter what happens with any particular decision, that overarching goal is top of mind for us. As we look back on this decision, we see that the decision making itself was completely according to the bylaws and standard practice. However, we also wish we had handled the process differently. We wish we had done a better job with communications, for instance. There has been confusion and there have been hurt feelings.

Those who preceded us in leadership at Beth El created Bylaws which focus on the well-being of the community. The Bylaws clearly task the Board with the charge, control and management of the congregation. However, they also give the membership the right to reverse a Board action, in a meeting such as this one. To that end, I called this meeting in response to the request of 8 member families.

The Board is taking care to fulfill its responsibility in setting the agenda for this meeting, which is to include the agenda items of those members, and to lead a meeting that can lead to closure in a way that enables open-hearted kindness and respect.

The Board has appointed an outside facilitator, David Trietsch, to help us to keep things going in a positive and respectful way.

Introduce David Trietsch as the moderator.

Facilitator: David Trietsch:

Judaism exists and congregations exist because people care and people show up. Judaism is not an individual religion; it is a community religion. And all of you being here is you showing up for your community. There will be a timer, 2 minutes for everyone.

What I ‘ve seen in your bylaws, which I haven’t seen before, is that a small number of families can call for a policy reversal, and it requires a 2/3 vote. This is why there’s a meeting today.

Question: during the Q&A can we make a comment, or do we need to ask a question?

Answer: There is a time set aside for comments and questions.

Ground rules: most of these are in your bylaws. The real ones are those that the Rabbi shared. We want to be respectful; we don't want to speak ill of one another, we want to retain the intentionality that everyone who speaks comes from a place of concern for the community. You may be comfortable or uncomfortable with what is being said/. Let's maintain generosity of spirit, let's give each other the benefit of the doubt, assume that people best intentions.

When you speak, please use "I" statements.

Timekeeper: Laurie Margolies

Rules for voting: Jocelyn Bailin

In-person voting process

For a secret ballot:

- Voting
 - Members will be given a paper ballot, and 2 preprinted self-stick labels, one marked YES, one marked NO.
 - Members will affix their chosen sticker to the paper ballot, fold ballot in half, and place in a ballot box.
 - There will be 3-5 designated ballot collectors, each with a ballot box and assigned an area of seats; they will go around and collect ballots from that area.
 - When all ballots are collected, they will be brought to a counting table up on the bimah.
- Counting
 - One person will open ballots and read each vote out loud.
 - Two people record/tally votes.
 - Counters will confirm that the two counts match and record them.

For an open (public) ballot (if any):

- Voting: People will vote by raising their hands, keeping them up until count is completed
- Counting: Two designated counters will each count the votes, confirm they match and record them

Zoom voting process

On Zoom, polling will be used as the only reliable way to ensure that all votes cast are counted in a large Zoom meeting. The voting process will be the same on Zoom, whether the in-person voting is open, or by secret ballot. *Each zoom participant must be on a separate device* to facilitate reliable, accurate, and efficient voting.

When all votes have been cast, the total count from the Zoom poll and in person votes will be added together and announced to the meeting by Jocelyn Bailin, as Clerk.

Bathroom Committee Presentation: Jerry Kazin

This process has taken a long time, perhaps far too long.

Timeline:

Pre-2020 need for GN bathroom came to light. Saw them in other congregations, other public areas, theaters, universities, etc.

2020-2021 Inclusion Committee holds numerous focus group meetings, availing opportunities to learn about the concerns around trans and nonbinary bathroom access struggles. Many of us didn't know about the issue.

2020-2021 Beautification committee established to make the building more welcoming and beautiful. As part of this, the group started working on where to locate a new bathroom.

June 6, 2021 Annual Meeting presentation by the inclusion committee on everything learned. Presentation included possible location of the new single user, ADA-compliant bathroom. We didn't have enough details at that time to go any further.

July 2021-June 2022 Bathroom building committee explores design options to figure out what we might do. The makeup of this committee intentionally reflected the Beth El community, with members from the Board, Beautification committee, school committee and more.

June 2022 Annual Meeting presented status, only had an architectural drawing but no details on costs yet.

2022-2023 Created formal designs, worked with architect, etc.

June 4th, 2023 Annual Meeting presented to the community but didn't have the financials in place yet for the construction of the single-occupancy bathroom. Lots of discussion, lots of input. At that meeting we heard that we needed to go faster, and that many people felt an urgent desire to continue the conversation and address the problem, and so the Board set up an additional congregational meeting.

June 20th, 2023 A congregational conversation was held about the bathrooms. At the end of that meeting a straw poll was taken; the straw poll indicated overwhelming support for all gender-neutral bathrooms. Board came away from that meeting with a loud and clear message that a decision needed to be made, and soon.

June 29th Board decision to make all bathrooms all-gender and to define a financial plan for the construction of the new single-occupancy bathroom.

July 23rd Special Congregational Meeting held to vote on the financing.

July 2023-November 2023 finalization of plans for construction.

October 2023: new partitions added in existing bathrooms.

December 2023-January 2024 construction of new bathroom and cantor's office.

Petitioner's Presentation

Introduction: Vivian Tseng

Vivian introduced herself. I am a bit of a governance nerd as former council and from having been on the Board of numerous nonprofits. It was never our intention to debate with the Board about governance. I am mystified how we got to this point. Many of us who signed this petition were among the first to advocate for a gender-neutral bathroom. I myself raised the protest at the most recent annual meeting that the budget did not include the bathroom funding and noted that funding reflects values.

So how did the issue of creating a new bathroom evolve into a decision to make all the bathrooms all-gender? This was a decision, made in the name of inclusion, that affects the congregation as a whole, and it was made by 15 people and not the 300 or so voting members of the congregation. Democracy is of paramount importance to us Jews, we remember many times in our history when that right was taken away from us. This right continues to be precarious in the world today.

This discussion has taken lots of hours, I feel that I have no choice but to fight for the right of myself and all our fellow members to vote on an issue that affects all of us. As parents we listen to the voices of our children. My (non-binary/transgender) child who grew up at Beth El, said that the Board's decision doesn't make sense "to me or my friends. I don't feel that it's necessary to have all bathrooms be gender neutral". Of course, non-binary/transgender people speak in different voices, and have different opinions. In a world with many voices/opinions, why not choose one that is the most inclusive for everyone? We never wanted to ask

for a special meeting, but we asked and pleaded with the Board to change their decision and they would not. So here we are.

Process: David Waldman

I am member of one of the original families of Beth El from 1962. I'm not sure there's anyone else here from 1962. The land that this congregation was built on was purchased by a small group of families. 70% of the construction cost was handled by gifts. All in all 75 families contributed 75k, only then would the bank give us a loan. I have been personally deeply involved in every aspect of building maintenance for Beth El – HVAC, lighting, construction, repairs, and more. I have been on call 24/7 for maintenance of this building for the past 17 years. By my estimate I have saved this community over 600k because a staff person was not needed to do this work.

Bathroom renovation and construction project timeline:

- **Feb – March 2022:** 3 Informational Forums held to discuss ways to create a gender-neutral bathroom space at Beth El; 2 proposals mainly presented, contributed by the Gender-Neutral Bathroom and the Beautification Committees.
- **March 28th, 2022:** Gender Neutral Bathroom Committee sends out survey to congregation.
- **April 28th, 2022:** The Board of Directors (BOD) in Regular BOD Meeting voted to “commit to create a gender-neutral bathroom at Beth El to be completed by September 2023.” Also reported at that meeting were the results of the GNBC survey: majority preference for gendered and non-gendered bathrooms. Additionally, a letter was submitted, signed by 44 members of the congregation, to the Board of Directors explaining the importance of creating gendered and non-gendered bathrooms, especially since we could build an ADA compliant, gender-neutral, single occupancy bathroom, adjacent to the Rabbi's bathroom.
- **April 2022-May 2022:** Bathroom committee focused on creating a single-occupancy ADA-compliant, gender-neutral bathroom. Plans drafted by architect. David Waldman prepared and submitted detailed cost estimate of \$51,300 (plumbing costs not final) for construction to VP Tsibur ahead of the annual Congregational meeting.
- **June 20th, 2023:** Informational meeting was held about the bathrooms. This included project status and interim solutions to ensure that everyone's needs were met. The Rabbi offered to leave access to his bathroom available whenever the building is open for those who wanted a private bathroom option. There were about 40 people in attendance. A straw poll was held at the end of that meeting which indicated overwhelming support for all-gendered bathrooms.
- **June 29th 2023:** Special Board meeting. A Special Board Meeting is different than a regular Board meeting. A regular Board meeting requires previous notification and a pre-published agenda, it allows for congregants to participate. A Special Board meeting does not. At that meeting there was a vote to designate all bathrooms all-gender.
- **July 7th, 2023** Board vote announced to the congregation.
- **July 23, 2023** Membership meeting to vote on authorizing the sources of funding for renovation costs for (replacing the partitions in the current bathrooms to improve privacy), building a new single-occupancy, all gender ADA-compliant bathroom in the current cantor's office, and building a new cantor's office and a project/tutoring room in current Room 5. President restates the BOD voted policy decision is all bathrooms at Beth El to be all-gender. Some members objected to this decision at this meeting. Motion for funding for the construction costs for the renovation was approved.
- **August 2023 through January 2024:** The Board declined multiple times to meet with petitioners to further discuss the bathroom policy.
- **January 11 2024:** 8 Member Families submit application to Board to call a Special Congregational Meeting.
- **January 14, 2024:** The Board sends out announcement for Special Congregational Meeting. 2/3 majority override required to reverse June 29th Board decision. This vote must be taken before the vote on the resolution presented by the petitioners.

Survey: Carolyn Schwartz

My background is as a Harvard trained behavioral scientist. I have a Doctoral degree in Public Health, and 35 years in doing patient-centered medical outcome research using survey methods like those used in the present survey.

For this survey we made sure that every protocol was followed. We sent a unique link, using a HIPPA-compliant survey tool for survey and collecting information. A proprietary tool was used to make sure that could not create false links and could not respond to the survey more than once. Survey included three examples of gendered & inclusive signage and one example of all-gendered signage.

Overall we received 157 responses, of which 130 provided usable data. Usable data is quantified as one where people provided at least one ranking, even if they didn't answer any other questions. We only counted the #1 ranking of all votes. This survey thus had substantially higher representation than any earlier Beth El forum or survey on this topic.

Survey Results:

72% preferred the gender-inclusive signage, 28% preferred all-gender signage.

If all the bathrooms were made all-gender, 34% of adults reporting for themselves would only use the single user all-gender bathroom. 40% of adults reporting for their children would only use the single user all-gender bathroom. This creates an access issue as there would be a long line for the single-user bathroom, likely all women (as was seen when we were recently at the Huntington theatre).

Comments: Gena Blinderman

I am a planter of gardens, Purim spiel fool member since 1983, a parent of a non-binary child. I want to be very clear that I have no preference how this vote goes. I will be happy with any decision that is made by the full membership. I feel that an issue of this magnitude that affects all member must be made at a congregational meeting. I can't remember anything of this magnitude that was decide only by the Board. Gena read several statements:

- I believe the Board approved (2 years ago) the idea of creating a single-person all-gender bathroom, with no changes to the existing multi-person bathrooms. I don't know how the change to all bathrooms being all-gender happened, and I think it took a change that everyone agreed was a real improvement and turned it into one that lacked that broad support.
- There needs to be accommodation for everyone: those knowing only their chosen gender will be using the bathroom, feeling safest this way, and those who are more flexible and open to gender fluidity in their space. As it stands, with all bathrooms declared gender neutral, the single use bathroom will be the only option for a lot of people. I can see lines forming outside that single bathroom. There must be a way to include everyone's needs, instead of choosing who's in and who's out.
- I am not comfortable using gender neutral bathrooms and would always use the single bathroom. A single bathroom would have been adequate. I have heard complaints such as it would be discriminatory to make people walk down the hall. I think that this has all been handled in a terrible manner and wish that the Board would put this much effort into new membership.
- Decisions like this should be made out of respect for all members' concerns and personal comforts. I absolutely support a gender-neutral bathroom in premises. I do not support making all bathrooms gender neutral

Recap of proposal: Sylvia Glick

Make the current women's bathroom for all who identify as women and for all those who identify as trans and/or non-binary.

Make the current men's bathroom for all who identify as men and for all those who identify as trans and/or non-binary.

The single use bathroom will be available for all genders.

MOTION:

RESOLVED, Beth El's new single-user bathroom will be an all-gender bathroom, and the multi-stall bathrooms will be gendered, and all non-binary and transgender people may use the multi-stall, gendered bathroom of their choice.

Motion seconded.

Rules for discussion: David Trietsch

Whichever way the vote goes, the signage for the bathrooms will be determined at a later date.

Please focus on the needs of our Beth El community, not to re-debate. All positions are valid and advanced by people of good faith.

Comments/Questions:

Question: Was the process of the bylaws not followed in the Board meeting? Can this be clarified?

Answer: There are different ways to interpret the bylaws; the Board and the petitioners disagree about the interpretation. The Board followed one approach; the petitioners believe a different approach should have been taken.

Question: We heard from one side as to what they think happened. Are we going to hear the other side as well?

Answer: We will have Q&A and then vote.

Statement: As people are speaking, please no side comments or grumbling. Silence your phone please.

Question: Question about the methodology of the survey: 6 parents said that their children would only use the single-use stall. Do you have any way of knowing if this is from two parents of the same child or not? How many children actually are represented by this statistic?

Answer: It is likely that 6 parents reflect more than 6 children, but this the number of children the parent was answering for was not collected.

Question: Was anyone who is in favor of all all-gendered bathrooms involved in creating the survey.

Answer: No

Question: if the Board's decision is overturned and the alternative motion is passed, do we have a plan for what happens in the interim?

Answer: This would be determined after discussion at the end of this meeting under "Next Steps".

Question: Do we know what percentage of school families abstained from taking the survey? A number of families did not respond, as it was not official, we did not know who was sending it or what was the agenda of those sending it. Some of us opened it but abstained from responding.

Answer: If you never opened the survey, we don't know. If you opened it and did not respond we do know that. We know that 20 congregants opened it and did not respond; we do not know their demographics. The purpose of the survey was just to collect data.

Question: How many surveys were sent out?

Answer: The survey was sent to every single email listed in the directory. We don't know how many people that was - maybe 300?

2-minute break

Board Statement: Michelle Fineblum

The board has listened to the congregation about this issue for many years. We looked at many places, where this has been implemented. We listened to and learned about how marginalized groups have been suffering with gender bathroom access. We heard from many congregants that they may be uncomfortable with all-gender bathrooms but are willing to sit with that discomfort as the non-binary have sat with that discomfort their entire lives. We heard from many people that they heard the need for this from the trans community and are willing to give this a try. Board decision of June 29th, 2023:

To honor Beth El's continuing commitment to embrace full inclusion, address the need for all-gender bathrooms within our building, and taking the congregational conversation into consideration, the Beth El Board of Directors approves the construction of a new single-occupancy ADA-compliant all-gender bathroom and the re-assignment of the two current single-gendered bathrooms into two all-gender bathrooms.

MOTION:

Resolved: that the decision made by the Board at the June 29th, 2023 meeting concerning the multi stall bathroom and all gendered bathrooms be reversed.

Motion seconded.

30-minute Q&A Session

Comment: Survey. I took the survey, I had two young children, on the survey I was dismayed that were not able to select an all-gender option. I feel that the survey is invalid.

Comment: In April 2022 the congregation was not in a place to say that we wanted all the bathrooms to be all gender. In June 2023 there was this meeting where newer members and members with kids in school – half of these kids are nb or trans and that they want the community to be all inclusive/ The community has shifted in the past year. I am proud to be part of a community that is not stagnant. We grow, we change. We are in a different place 1/5 years later.

Comment/Question: the most important thing is that we have a vibrant community that supports one another I hope and pray that at the end of this meeting that you continue to support this community. It is more important than anything else.

Comment: I think that we are not listening to the voices of the kids is unfair. I work with the kids, and they are upset that their feelings don't count. The young kids know a lot more than you realize, and they don't get to vote, even if they are little. These things mean something to them. If you want these people to grow up here and stay here, they need all gendered bathrooms. Where is our future generation if they do not feel safe or accepted.

Comment: I personally don't care how the vote goes. I've had women in the congregation tell me that if they have to go to a restroom with men that they will leave and go home. I fear that this decision will drive people away from the congregation and we will lose members.

Comment: I took the liberty of talking to almost 50 people. I heard from a lot of women who are afraid of going into a bathroom with men. I would not want my granddaughter in a bathroom with a 15-year-old boy I cannot understand why the proposed solution as women/identify and men/identify is not acceptable.

Comment/Question: 2 reflections and a question: Reflection 1: How we feel about the bathrooms may depend on how the question is framed. If you ask me whether I want to share a multi-stall bathroom with cisgender men, my answer is no, I don't. If you ask me whether I can live with an all-gender multi-stall bathroom so that people who are trans, non-binary, or questioning can feel safe and comfortable using the bathroom of their choice, my answer is yes. Reflection 2: This debate has been framed as zero-sum, where one group's needs are pitted against another group's needs. But that formulation doesn't consider the power differential between the two groups. We live in a world that still favors cisgender people – "cisgender" refers

to people who identify with the sex they were assigned at birth. For example, I'm cisgender because I identify as female which matches the sex I was assigned at birth. Those of us who are cisgender hold unearned power and privilege at Beth El because the status quo – the gendered bathrooms – favor our comfort. I want trans and non-binary people at Beth El to have that same right to comfort. Regardless of what national trans advocacy groups may say about bathrooms, here at Beth El trans and non-binary people have spoken, and they have stated a preference for all-gender bathrooms.

Question: My question for cisgender people here today is: How much of your connection to power, privilege and comfort are you willing to sacrifice for the benefit of trans and non-binary people in the Beth El community? And for those of us who are older cisgender people, how much are you willing to sacrifice for the benefit of younger members of Beth El?

Comments: Decision to make decision change to all all-gender was at the request of Beth El members. The petitioner's proposal for signage reflects simply what Massachusetts law is. It will not change people's rights in the building. Why is it a big deal to have all all-gender bathrooms? I work with many trans and nonbinary youth. When people are starting to transition, they are at the greatest risk for bullying, assault, misgendering. We are a community that embraces growth, I hope we can allow for continued growth.

Comment: There are people I love and value on both sides of this decision. It pains me that I have to decide. There is so much pain and division outside this community. We need to be a loving and close community together. Is the motion open to amendment? Can we post signs, mission statement, a permission to pee in peace without comments, can clergy talk about this, include in membership packets. We as a community need to be able to pee in peace without being questioning or challenged. People need to know that there is an affirming community.

Comment: It's more important to do the right thing than to be right. You can be a good leader and make mistakes. I have done some real research, and I have concluded that we overshot the mark when we made this decision. Based on national recommendations of what is optimal. What is wrong with a single all-gendered bathroom and gendered inclusive bathrooms not enough? I spoke with a (well qualified) person. When the bathrooms are all all-gendered there is no safe place for someone to go. Some trans persons say it is helpful to have gender-specific bathrooms early in transition. Having only all-gendered option makes some trans/non-binary dysphoric.

Comment: I am trans. I joined in support of all all-gendered bathrooms.

Question/Comment: The education program has had non-gendered bathrooms for most of this school year, do we have any feedback on how is that going? The younger generation has no problem with all of this, it is only the older generations that do.

Comment: Shmita year: for debt forgiveness. It is premised on the idea that in a community everyone is accepted and prospers. I believe in respect and equality. We have people who do not feel respected. I have a proposal: if a sign on the right door bathroom has a sign indicating if it has a urinal then the men will generally go there, whether it says men or not men. This type of signage would honor equality. My question: Is having a sign that says bathroom with a urinal on right door consistent with the idea of an all-gender bathroom, and would such a sign provide the comfort security respect and honor that you deserve?

Comment: Some people have already left, the congregation over this issue. Some people are appalled that the decision on this was made by a small group of people for everyone. I think people are more important than principles. I believe that the petitioner's proposal places people over principles.

Comment: I appreciate that we are here today having this conversation and how people feel about having decision made for you. I have a question: How would you feel if your young child, who does not have a vote, said that they want all-gendered?

Comment: I am a private person. The idea of an all-gender bathroom makes me uncomfortable. My daughter who is non-binary works with non-binary. Many, many, non-binary and trans people, especially when they start transitioning, are traumatized by the decision of which bathroom to go to. It's unlikely that children will read the signs they will look at men, women, picture and decide where to go. People who are transitioning and/or trans also are not comfortable with signage that says "trans and non-binary welcomed" because it forces them to be noticed.

Comment: I am feeling sad and mad and feel badly that people are making us change the bathroom back/ This decision might take this away. This does affect actual people.

VOTE

Resolved: that the decision made by the Board at the June 29th, 2023 meeting concerning the multi stall bathroom and all gendered bathrooms be reversed.

Yes: To reverse the Boards position: 72

No: To retain the Board position: 103

Abstention: 13

Total votes: 188

Motion does not carry

VOTE (advisory only)

RESOLVED, Beth El's new single-user bathroom will be an all-gender bathroom, and the multi-stall bathrooms will be gendered, and all non-binary and transgender people may use the multi-stall, gendered bathroom of their choice.

Yes: In support of the above resolution: 65

No: To not support the above resolution 87

Abstentions 17

Total votes: 169

Concluding statement: Rabbi Josh and Cantor Vera

The goal of our community is to be able to discuss things together. It is okay to disagree. Our community needs to relearn how to come together, how to create unity. Look for emails from the rabbi and the cantor for our community to come together to rebuild the sense of trust that has been strained but hopefully not broken. I have been in Jewish communities that do not care what happens; we are a community who does care. This is the strength of our community. We need to find a way to honor and blend our different perspectives together. Yesterday we read Shir ha'Shirim, the Song of the Sea, in which we, in one breath thank God for a victory and also acknowledge that the pursuers have lost their lives. We are reminded not to celebrate the losses of one another. We want nobody to go into the sea.

Meeting adjourned 4:21pm

Respectfully submitted,

Jocelyn Bailin, Clerk, Congregation Beth El of the Sudbury River Valley

