

# Independent Investigation of The New Evangelicals

## Final Report & Recommendations

March 6, 2025



**GRACE**  
Godly Response to Abuse  
in the Christian Environment

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# I. Introduction

The New Evangelicals (hereinafter “TNE”) engaged Godly Response to Abuse in the Christian Environment (GRACE) in August 2024 to conduct an independent investigation in response to allegations of behavioral misconduct against an individual in a leadership position within TNE, hereinafter referred to as “Individual 1.” This report presents the scope and methodology of the investigation, the findings, an analysis of the findings, and recommendations.

TNE became a 501(c)(3) as a nonprofit in 2022 after growing out of a social media presence of Individual 1. TNE’s website describes its work:

We’re motivated by your stories. Stories of great hurt, deep confusion, and unanswered questions. Like us, you’ve been run over by the bus of the evangelical church – and it’s turned your world upside down. We’re here to reclaim a loving evangelical tradition that informs a better way forward.

Faith Isn’t Easy.

Hurt Makes it Harder.

We are committed to building a caring community that emulates the ways of Jesus by reclaiming the evangelical tradition and embracing values that build a better way forward.

**JESUS-CENTERED:** We seek to embody the message of Christ, and reflect His heart of love, empathy and justice for all.

**INCLUSIVE + DIVERSE:** We are a community that invites a wide variety of people and perspectives to journey with us.

**RESPECTFUL:** We prioritize holding space for those marginalized and disenfranchised by the American Evangelical Church.

**ACCOUNTABLE:** We advocate for a restored church that recognizes the imago dei in others, and does not dehumanize anyone in their journey.

**CURIIOUS:** We approach people and perspectives with a willingness to listen to understand while remaining comfortable with an undetermined outcome.

This Final Report presents the scope and methodology of the GRACE process, findings and analysis, and proposed recommendations. As TNE processes the information included in this report, we encourage consideration of the guiding principles in Ecclesiastes 4:9, which states, “Two are better than one, because they have a good return for their labor,” and underscores the importance of leaning on each other for support and

assistance, especially when facing difficulties within a faith community.

GRACE is encouraged by TNE's recognition of their own vulnerability and weaknesses. TNE should follow the example of their Savior, who willingly sacrificed Himself, even to the point of death, as a testament to His love for those who are wounded. We recall the depths of what God accomplished when Jesus exhibited utmost vulnerability and transparency. The GRACE team appreciated the opportunity to intersect with former and current leaders, volunteers, contractors, and members of the TNE community, and is grateful for the openness and insight of those who contributed their perspectives to this report. We pray that God's presence, comfort, and guidance be with TNE as they navigate through their response to this report and the complex issues discussed.

## II. Scope and Methodology

GRACE's assessment was limited to the scope defined in the Engagement Agreement and was conducted using semi-structured qualitative interviews,<sup>1</sup> and qualitative content analysis of collected relevant documents. The following section provides a summary of the scope and methodology.

### A. Scope

Pursuant to the Engagement Agreement:

1. GRACE shall investigate the behavior of Individual 1, and assess the credibility of allegations that this behavior constitutes behavioral misconduct.<sup>2</sup>
2. GRACE shall also assess TNE's knowledge of the above allegations and how the culture of TNE impacted the response to allegations, including how the response compares to best practices, Scriptural values, and SAMHSA's Six Principles of Trauma-Informed Practice. In addition, GRACE will evaluate relevant policies and processes, and make recommendations to improve the policies and culture of TNE.

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<sup>1</sup> Questions included a mix of open-ended, direct, and hypothetical prompts towards both factual and policy-oriented subject matter.

<sup>2</sup> Behavioral misconduct is defined as any verbal, nonverbal, and/or physical acts which are improper, immoral, indecent, or unlawful. For the purposes of this investigation, behavioral misconduct includes emotional misconduct, physical misconduct, and sexual misconduct. Emotional abuse is defined as a pattern whereby a person in a position of authority and/or trust uses that position to domineer and control others through behaviors such as shaming, dismissing, bullying, threatening, intimidating, humiliating, degrading, or insulting. Emotional abuse may include spiritual abuse, defined as a pattern of coercive or controlling behavior in a religious context that relies at least in part on the alleged perpetrator's formal or informal position of pastoral or spiritual leadership.

Ultimately, the findings of GRACE's investigation were analyzed using the methodology discussed in Section II.B, "Methodology," below.

## **B. Methodology**

The purpose of this Report is to assess the credibility of all relevant allegations, analyze existing safeguards/policies and responses, and give recommendations based on this assessment and analysis. The first step of this process requires GRACE to filter all evidence gathered through a framework to determine credibility of that evidence. This framework includes (1) identifying the applicable burden of proof and (2) resorting to informative legal and investigatory principles used to analyze evidence. The second step is accomplished by analyzing current safeguards/policies and TNE's responses to these allegations, which GRACE will juxtapose with SAMHSA's Six Principles of Trauma-Informed Practice and relevant Biblical principles. The final step is for GRACE to give recommendations based on its findings in steps one and two.

GRACE conducted 15 interviews of 12 individuals and submitted written questions to and received responses from two additional individuals, each of whose names were either shared by TNE, contacted GRACE, or were referenced by other witnesses. Accordingly, the material presented in this report should not be considered a comprehensive articulation of relevant information. GRACE sought to pursue and conduct each interview in a way that reflected the character of Christ, viewing each person in the process as image-bearers who are deeply loved by God. GRACE interviewers sought to apply trauma-informed principles to each interview and exchange in order to promote safety, trustworthiness, transparency, and agency. All interviews were recorded (with prior consent) and transcribed. Recordings, transcripts, and related correspondence were stored in a secure database.

### **1. Burden of Proof**

GRACE assumes a holistic approach to conducting its investigations and writing its reports and recommendations. This means that while GRACE does not consider its work purely legal-based, it does use certain fundamentals and principles of US legal theory to inform its investigations and reports. One such fundamental is the application of a "burden of proof." Under U.S. law, every actionable offense or liable action has an applicable burden of proof.

In the case of criminal offenses, the most common burden of proof is "beyond a reasonable doubt." This burden of proof imposes a high standard on the charging party (typically the local, state, or federal government in criminal actions) to prove wrongdoing and is the highest burden of proof used in U.S. jurisprudence.

Another common burden of proof used in U.S. legal proceedings is called "preponderance of the evidence" or "the greater weight of the evidence." This burden of

proof imposes a much less stringent standard and requires only that the facts be proven by 51%. A common analogy for this burden is a two-sided scale. If evidence is produced to tip the scales ever so slightly in the direction of the party with the responsibility to prove the wrongdoing, this burden of proof has been met.

GRACE understands that it is not a judicial body; similarly, GRACE is not a charging party or plaintiff. However, in order to properly analyze the veracity of allegations based on the evidence collected, GRACE finds it useful to impose a burden of proof on its investigation. To that end, GRACE uses a burden of proof lying somewhere between the two standards discussed above. GRACE will closely consider all evidence collected and find credible only those allegations that are supported by evidence sufficient to exceed a simple “greater weight” test. Conversely, GRACE will not be so stringent as to find credible only those allegations that are proven beyond a reasonable doubt. Throughout this Report, this burden of proof may be referred to as the “GRACE burden of proof.”

## 2. Investigatory/Legal Principles and Rules of Evidence

Before a burden of proof can be applied, it is important to identify how individual pieces of evidence are analyzed for credibility. Only if evidence is determined to be credible can GRACE apply the GRACE burden of proof to establish the credibility of the allegations themselves. There are many factors that are examined and weighed in determining credibility of a witness. These factors include the consistency and specificity of their statements, any present motivation to lie or lack thereof, any complete or partial admissions of the accused, and corroboration by other witnesses or through documentation evidence.

Looking to the Federal Rules of Evidence, there are several principles that GRACE utilizes in analyzing the above factors. Generally, evidence of a person’s prior bad act is not admissible to prove that, on a subsequent occasion, the person acted in that same way. This avoids the pitfall of arguing “once a \_\_\_\_, always a \_\_\_\_.” However, a person’s prior bad acts may be used to show that on a subsequent occasion there was “motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident.” For instance, if a person is convicted of stealing a vehicle in 2010, that conviction cannot be used to prove that the person again stole a car in 2012, during the trial for that 2012 theft. However, the 2010 conviction could be used as evidence to rebut the defendant’s argument that the 2012 theft was a mistake or accident. Another, similar, rule of evidence allows for prior acts to be used as evidence that a person acted consistently with those prior acts, if the acts amount to a “habit.” This rule may seem like the opposite of the first rule discussed, above, but has an important clarifying detail: instead of showing evidence that a person acted the same way in the past, this evidence is only allowed if the person acted the same way consistently and repeatedly, such that the act could be considered a habit.

In addition to evidentiary rules concerning someone's actions there are also rules that help us determine someone's truthfulness. One such rule allows for evidence and testimony of a witness's character of truthfulness or untruthfulness. Another helpful tool to determine truthfulness is to examine a witness's prior statements. The rules of evidence allow a party to offer evidence of a witness's prior statement to show that the witness either changed or did not change their testimony. This is referred to as "prior inconsistent" or "prior consistent" statements. Of course, should evidence show that a witness's testimony is consistent with their own prior statements, this tends to prove that they are truthful. Conversely, if a witness changes their testimony, this may show that they are not being truthful. Another important aspect of prior consistent statements is how many consistent statements/acts there are and what sources are confirming them. For instance, if multiple witnesses report the same prior consistent statement or act from various different times, it lends more veracity to the claim. This concept is similar to one of the reliable arguments used to prove the veracity of the Bible. The Bible was written by 40 authors of differing backgrounds, in three different languages, on three different continents, over the course of 1,500 years. Despite this, the consistencies throughout Scripture confirm its veracity. In this way, receiving the same or similar information, from various sources over an extended period of time tends to prove the credibility of that information.

Another important investigatory principle that has an impact on our credibility analysis is victim delayed disclosure. In the past, delayed disclosure by victims was used as a way to discredit those victims. As is the case with many other crimes, immediate disclosure was expected. Recently, however, research has come out to show that delayed disclosure is commonplace when it comes to sexual abuse (while this case does not involve allegations of sexual abuse, many similar explanations for delayed disclosure apply across forms of abuse and misconduct). In fact, this research shows that the average age of reporting child sexual abuse is 52; this means that despite enduring sexual abuse as a minor, victims often do not disclose until well into their adulthood, if at all. This research shows that delayed disclosure should not be used to discredit allegations. Indeed, Child USA states that delayed disclosure of abuse is statistically a better diagnostic measure of whether abuse occurred than a medical exam. Other factors that contribute to delayed disclosures are: age (the younger the victim the longer it may take to disclose); gender (males are typically less likely to disclose quickly or fully); and a relationship with the perpetrator (a relationship with the perpetrator may lead to the victim not fully understanding the abuse and to choosing not to disclose the abuse for some time).

Lastly, one common error in investigations of abuse and misconduct is an over-emphasis on inconsistencies in the memory, reactions, and demeanor of alleged victims. Often, explanations for these inconsistencies may be found in the dynamics of trauma itself, either from the immediate offense or prior victimization.



### 3. Trauma-Informed Principles

In evaluating TNE's current policies/safeguards and its response to the allegations discussed herein, GRACE will utilize the Substance Abuse and Mental Health Services Administration's six principles of trauma-informed response. These six principles are: Safety; Trustworthiness and Transparency; Peer Support; Collaboration and Mutuality; Empowerment, Voice and Choice; and Cultural, Historical, and Gender Issues.<sup>3</sup>

These six principles are further described in Section IV, which contains an analysis of TNE's culture, policies and protocols, and response to these allegations.

### 4. Biblical Principles

Ultimately, all of the analysis in this Report and the recommendations given must be consistent with Scripture. To that end, GRACE will apply Biblical frameworks and principles to this matter to identify TNE's responsibilities and suggest alterations to TNE's practices.

## C. Definitions and Central Concepts

### 1. Behavioral Misconduct Defined

As defined in the scope of this investigation, behavioral misconduct is any verbal, nonverbal, and/or physical acts which are improper, immoral, indecent, or unlawful. For the purposes of this investigation, behavioral misconduct specifically includes emotional misconduct, physical misconduct, and sexual misconduct. Emotional abuse is defined as a pattern whereby a person in a position of authority and/or trust uses that position to domineer and control others through behaviors such as shaming, dismissing, bullying, threatening, intimidating, humiliating, degrading, or insulting. Emotional abuse may include spiritual abuse, defined as a pattern of coercive or controlling behavior in a religious context that relies at least in part on the alleged perpetrator's formal or informal position of pastoral or spiritual leadership.

### 2. Misuse/Abuse of Power

An abuse of power, whether in the form of emotional abuse, spiritual abuse, or other misconduct, can be subtle, cumulative, and invasive. As such, it is often difficult to specifically identify who is and who is not (as perceived by themselves or by others) a victim when such abuse is present, unlike other types of abuse such as sexual abuse or domestic abuse.

In addition, in cases where someone committing an abuse of power has influence over others to come to their defense or implement their means of dominance, deception,

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<sup>3</sup> See generally SAMHSA's Concept of Trauma and Guidance for a Trauma-Informed Approach, <https://store.samhsa.gov/sites/default/files/d7/priv/sma14-4884.pdf> (2014).

manipulation, and/or control, people may experience harm from other individuals at the explicit or implicit behest of the primary offender or just as a result of their influence. This tactic can be used by offenders to insulate themselves from accusations with claims that they did not directly take the action, state the words, or cause the harm.

No matter the type of abuse -- abusive people do not abuse everyone and they do not abuse all of the time. Some people will have wonderful experiences with people who abuse others and will never experience negative behaviors or impacts. Even victims will often experience kind and thoughtful behaviors from someone who will, at times, be cruel or violent or otherwise abusive to them. This is part of what makes abuse so confusing and difficult to detect, or often even believe, for those who are not primary victims.

Abuse involves a pattern of behaviors by the abusive person. As we know from numerous passages in the Bible, our behavior is an outpouring of our heart.<sup>4</sup> As such, abuse comes from a mindset or heart posture within an abusive person which, depending on the person, may feature elements of self-focus, pride and arrogance, or using others for their own gratification, glorification, or maintenance of self-esteem. These patterns of sin are the building blocks of abuse.

The patterns exist in the abusive person, and therefore, any one victim may experience only one abusive act (e.g., an instance of sexual molestation, a verbal assault, or a pastor twisting Scripture to manipulate a congregant), multiple blatant abusive acts, or a more subtle pattern of actions that cumulatively cause harm. However, the pattern is generally one that we see across victims and over time and doesn't always exist with any one particular victim.

The abuse dynamic is a function of the relative power in a relationship, misuse of that power, and the impact on the victim(s). The misuse of power is examined through the motives and intent of the abusive person and their behaviors, which can, and usually do, result in harmful impacts on a victim or victims.

### 3. A Continuum of Behavior

Behaviors and patterns of behavior exist on a spectrum. On one end exists healthy relationships (see Figure 1: Continuum of Behavior and Environments). On the other end are what many would consider extremely controlling and harmful environments, which also do involve abuse in different forms (see Figure 1). Because relationships and

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<sup>4</sup> See Matthew 15:18-19 (CSB) ("But what comes out of the mouth comes from the heart, and this defiles a person. For from the heart come evil thoughts, murders, adulteries, sexual immoralities, thefts, false testimonies, slander."); Mark 7: 21-23 (CSB) ("For from within, out of people's hearts, come evil thoughts, sexual immoralities, thefts, murders, adulteries, greed, evil actions, deceit, self-indulgence, envy, slander, pride, and foolishness. All these evil things come from within and defile a person."); Matthew 12:33-34 (CSB) ("Either make the tree good and its fruit will be good, or make the tree bad and its fruit will be bad; for a tree is known by its fruit. Brood of vipers! How can you speak good things when you are evil? For the mouth speaks from the overflow of the heart.").

environments are complex and multi-layered, even in fairly healthy relationships or environments, there are often features or experiences that one might characterize within the left end of the spectrum – healthy to unhealthy but not controlling or harmful.

Even in an environment where abuse is present, such as spiritual abuse, as discussed above, some participants may still experience the leader or the environment as more toward the left end, the healthier or less harmful side of the spectrum.<sup>5</sup>

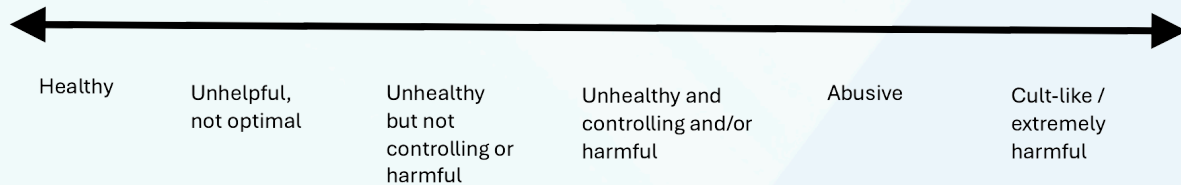


Figure 1: Continuum of behavior and environments

## D. Framework for Analysis

As discussed earlier, abuse, and to a lesser extent, misconduct on the basis of improper verbal, nonverbal or physical acts, is a function of relative power, a misuse of that power, and the impact on a victim.

### 1. Power / Authority

#### a) Bases of Power

Power is the potential to influence others.<sup>6</sup> There are many bases or sources of power and/or authority in relationships, and these are often multi-layered. For example, leadership scholars often describe five bases of power held by leaders generally: legitimate, expert; referent; reward; coercive; and information.<sup>7</sup>

<sup>5</sup> The concept that the spiritual health of an environment exists on a continuum from healthy to extremely unhealthy is similar to the continuum developed by Lisa Oakley, co-author with Justin Humphreys of “Escaping the Maze of Spiritual Abuse: Creating Healthy Christian Cultures” (SPCK 2019), further explanation at <https://swlv.org.uk/blog/spiritual-abuse/>.

<sup>6</sup> Power is defined as “having the capacity to do something, to act or produce an effect, to influence people or events or to have authority.” Langberg, Diane. “Redeeming Power: Understanding Abuse and Power in the Church” 4 (2020). Langberg further states, “It can also have harsher meanings: to master, dominate, coerce, or force.” *Id.*

<sup>7</sup> French, J. & B. Raven, B., “The Bases of Social Power,” in D. Cartwright and A. Zander, eds., *Group Dynamics* (New York: Harper & Row, 1968), pp 262-68. In “Redeeming Power,” Dr. Langberg categorizes power as physical (physical size), verbal (use of words), emotional (emotional states), educational (knowledge, intellect, and skill), and economic power (financial and rewards). However, the documentation and witness statements in this

Legitimate power comes from a formal power structure, such as a job title, responsibilities, and hierarchy.<sup>8</sup> Expert power refers to knowledge one possesses via intellect, education, or otherwise, and on which others depend.<sup>9</sup> Referent power refers to the strength of regard that followers have for a leader – a highly respected leader has high referent power.<sup>10</sup> Reward power comes from an individual’s control over resources that others need or desire, such as funding, access, benefits, etc.<sup>11</sup> Finally, coercive power uses fear, punishment, and/or force to influence others thoughts or behavior.<sup>12</sup> Information power is holding information that others don’t have, where withholding or sharing allows one to leverage the information.<sup>13</sup>

Other resources also discuss sources of power such as charismatic power (charm and engaging qualities of a leader’s personality that inspires others to follow), moral power (trust gained through ethics, beliefs, and behavior), and connection power (allied with influential people, giving followers the sense that the leader can access that same power).<sup>14</sup>

Certain bases of power are also amplified in some spaces related to gender. For example, in a complementarian church structure or in other faith-based environments where male leadership and domination are historically prioritized and then continuing,<sup>15</sup> and those positions wield both esteem and access to resources, there is an amplified level of power for men generally in the form of legitimate, referent, resource, and spiritual power. When that reality is recognized and accommodated through acknowledgement, access, and structural balancing, it is possible to lessen the consequential, gendered impact.

## b) Power Dependencies

Scholars who study power in relationships specifically point out three power dependencies – factors that affect how successful attempts to influence may be.<sup>16</sup> The first involves the nature of the relationship between the influencer and the target such as an employment hierarchy, friendship, long-term or temporary relationships, etc.<sup>17</sup> The second evaluates the counterpower of the target, i.e., sources of power he or she has to

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investigation seemed to more appropriately fall into an analysis using the French and Raven categories of power, as well as additional ones described below.

<sup>8</sup> French and Raven, “The Bases of Social Power” at 262-68.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> Indeed, *Power in Leadership: 9 Types for Effective Leaders* (updated 12/23/2022, accessed 5/29/2024), <https://www.indeed.com/career-advice/career-development/types-of-power-in-leadership>.

<sup>15</sup> This report takes no position, positive or negative, on specific faith doctrines; it only examines allegations, actions, behaviors, and structures, and their impact on reporting victims and others.

<sup>16</sup> Black, J. Stewart et al., “Organizational Behavior” at 13.1 (OpenStax 6/5/2019, updated 1/9/2024), accessed on 5/29/2024, <https://openstax.org/books/organizational-behavior/pages/13-1-power-in-interpersonal-relations>.

<sup>17</sup> *Id.*

counterbalance the bases of power of the influencer.<sup>18</sup> Both of those relate to power differentials discussed in the previous section.

The third factor involves the values of the target.<sup>19</sup> If the influencer's sphere of power relates to outcomes that are more important to the target, then the target will be more open to influence than if those outcomes were less important.<sup>20</sup>

## 2. Misuse of Power / Authority

An expressed intent to harm or control another person or group is a misuse of authority. With allegations of abuse or power or misconduct alone, outside of allegations of other forms of abuse such as sexual or financial abuse, the ability to observe intent is often more complex and less likely to be explicitly expressed. There is a fine line between encouragement, exhortation, and expressions of Biblical interpretation or conviction versus attempting to control another. One is loving, the other is harmful. One comes from a place of humility and reflection upon oneself as a sinner and the listener as one in their own process of sanctification in their own relationship with the Lord, laboring together in serving God, and equally deserving of God's grace. The other comes from a place of superiority and reflection upon oneself as more knowledgeable and less sinful and the listener in need of the leader to mediate or interpret their relationship with God, monitor and correct their behavior, and pass judgment on and control their sanctification.

Certain behaviors that might otherwise not be problematic or constitute spiritual abuse, abuse of power, or misconduct, without a power differential, can become so when their words and actions carry with them the authority of that person's layers of power. For example, expressing a strong opinion about handling an organizational decision is unlikely to constitute abuse or misconduct when coming from a friend. However, if expressed from someone with power over those around him or her, without nuance or room for others to safely disagree without risking disapproval or punitive impact by the leader, could constitute abuse or misconduct.

Additionally, certain isolated behaviors may not be problematic or constitute misconduct until they become a pattern over time. For example, a leader highlighting a disagreement with a subordinate or even possibly speaking in a way that shames them in a single isolated interaction, is unlikely to constitute abuse, especially if the leader is willing to hear feedback about how his behavior affected someone and makes amends. However, if such expressions come from a leader publicly and as a pattern over time, without acknowledgement of harm or change, that could be deemed misconduct.

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<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

### 3. Harmful Impacts

Abuse and misconduct can result in a variety of potentially harmful impacts – spiritual, relational, emotional, psychological, and even physical. While most of these impacts are felt by direct victims, abuse and misconduct and its handling by an organization, if done poorly, can also negatively impact other individuals within the organization, observers, followers, and supporters of the organization who become aware of the events after the fact.

## III. Evaluation of Allegations and Analysis of Credibility

This section summarizes the allegations of the reporting victim and other witnesses, TNE's knowledge and response to the allegations, and the response of Individual 1 to the allegations, and then evaluates the credibility of the allegations which includes additional evidence gathered from the sources identified above.<sup>21</sup>

### A. Summary of Allegations

The allegations of the Reporting Victim ("RV") can be summarized as:

- (1) relating to leadership, power, and character issues of Individual 1,
- (2) an incident of rage driving, and

(3) mishandling of her allegations related to the foregoing, such mishandling as alleged against both Individual 1 and the leadership of TNE.

Because the background of RV's relationship with TNE and Individual 1 is intertwined with each type of allegation, the circumstances are addressed chronologically.

#### 1. RV's Initial Relationship with TNE

RV's initial then evolutionary involvement with TNE was similar to almost all of the witnesses interviewed, consisting of current or past leaders, volunteers, and/or contractors with TNE. Specifically, RV began as a follower of Individual 1 on social media in approximately 2021, based on interest in and agreement with the faith-based messages.<sup>22</sup> These conversations initially centered around responses to questions or topics Individual 1 was posting on social media related to theology, politics and culture.<sup>23</sup> RV was also a

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<sup>21</sup> See Section II.A, "Scope".

<sup>22</sup> RV Tr. #1 at 3.

<sup>23</sup> *Id.* at 5.

member of the TNE Facebook group which was moderated by other TNE volunteers, periodically posting in conversations, but not interacting with Individual 1 specifically.<sup>24</sup>

Also like most of the other witnesses interviewed, RV then began volunteering her time with TNE after responding to a need communicated by Individual 1 on social media.<sup>25</sup> Initially, this took the form of offering insight and/or feedback in her field of professional experience, but eventually Individual 1 asked RV to meet with him and the TNE board, whereafter she began advising TNE on a volunteer basis as she was working a full-time job.<sup>26</sup>

At that time, RV's impressions of Individual 1 were that he was trustworthy, committed to doing things differently, and "courageous in confronting a lot of the difficult realities within evangelical spaces."<sup>27</sup> She felt like Individual 1 was:

speaking up for people like me, people in the deconstruction space, people who were troubled by what's happening in evangelical spaces or were hurt by what's happening in evangelical spaces. I saw him as very alert and aware of what's happening around him. Very thoughtful and very measured, very strategic in his responses and approaches to addressing some of these issues. Approachable.<sup>28</sup>

RV further described her impressions of Individual 1 in those first few years:

I would say I trusted him implicitly. I trusted his judgment. I trusted what he would say about wanting to do the right thing. I trusted what he said about wanting the goals and desires for the new evangelicals. I trusted his sincere effort to be the best person he could be. And a time that I think was, he didn't, I think, envision leading an organization or a nonprofit, so he had to learn and grow very quickly and adjust quickly. And at that time, he was very humble and receptive and open to feedback from the community and myself. I will say that he is a big, forceful personality, always has been. That did not surprise me because of his ability to push back on what he saw happening around him. So I found that he seemed to interact best almost in a challenge type of conversation, rather than he would get passionate and emphatic at times. And that didn't bother me because I thought, well, that's part of his personality, and I've dealt with a lot of passionate and emphatic clients, so I've had a relatively thick skin in handling that.<sup>29</sup>

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<sup>24</sup> *Id.* at 5.

<sup>25</sup> *Id.* at 3.

<sup>26</sup> *Id.* at 3.

<sup>27</sup> *Id.* at 6.

<sup>28</sup> *Id.* at 6.

<sup>29</sup> *Id.* at 6.

RV's level of experience and prior professional positions she held exceeded the specific needs of TNE at the time, as an early stage nonprofit with no employees, a small budget, and lacking a specific strategic direction. However, RV eventually left her current position after experiencing trauma in the workplace and started her own company.<sup>30</sup> She noted that Individual 1 was very aware that she had left her previous employer because of workplace trauma and suffered from PTSD from that situation.<sup>31</sup>

According to RV, she paid for her own travel to fly to meet with Individual 1 and another TNE board member in person around March 2022 to help with some strategy work for TNE.<sup>32</sup> On that visit, RV stated that she stayed in a spare bedroom at the home of Individual 1 with him and his family and they did some of their meetings at his home.<sup>33</sup>

## 2. RV Begins as a Contractor to TNE

Over the next year, RV continued to work with Individual 1 on a volunteer basis until TNE began paying her pursuant to proposals she submitted in 2023, based on an hourly rate of \$50 per hour but without a requirement that she account for her work time.<sup>34</sup> By early 2024, according to RV, TNE paid her a retainer of \$3500 per month<sup>35</sup> which constituted a significant portion, approximately two-thirds, of her individual income.<sup>36</sup> She described that her hours working on TNE projects could vary widely from week to week.<sup>37</sup>

Over time, Individual 1 flew across the country to the city where RV and her family lived several times (sometimes associated with a conference held in the area) and RV flew out to Individual 1's city to meet approximately four times.<sup>38</sup> When Individual 1 flew to RV's area, they sometimes worked around RV's dining table.<sup>39</sup> When RV flew to Individual 1's area, RV once stayed at Individual 1's home and otherwise stayed at a particular airbnb "two or three times," and sometimes she and Individual 1 would meet in the living room at the Airbnb and sometimes at other locations.<sup>40</sup> RV expressed that she trusted Individual 1 and "felt completely safe and unbothered" by meeting with him at the Airbnb.<sup>41</sup>

RV and Individual 1 had a personal, social relationship where they talked and texted about everyday matters, outside of the content of TNE. Although their communication focused mostly on work related projects, it their text/audio threads also included

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<sup>30</sup> *Id.* at 4.

<sup>31</sup> *Id.* at 22.

<sup>32</sup> *Id.* at 4, 7.

<sup>33</sup> *Id.* at 4, 12.

<sup>34</sup> See RV Proposals to TNE for the 2023 board retreat and Project Amplify, unsigned.

<sup>35</sup> TNE payment records are consistent with RV's account.

<sup>36</sup> RV Tr. #3 at 14, 16.

<sup>37</sup> *Id.* at 15.

<sup>38</sup> RV Tr. #1 at 9.

<sup>39</sup> *Id.* at 12.

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*



commentary about their families, family photos, and updates on their lives.<sup>42</sup> RV described that, “he would even say to me or other people, or he might've even said this on social media, [RV]’s my right hand person, she’s my ride or die.”<sup>43</sup>

RV’s working relationship with Individual 1 could be described as disorganized. There was no project management software or specific ways to track projects and responsibilities, but eventually they started using an excel spreadsheet.<sup>44</sup> She noted that Individual 1 “works in a very unstructured way, very unstructured.”<sup>45</sup> Further, she described:

[T]here were times where I gave him things late because maybe I didn't have enough information or I didn't have enough time, or I didn't even know it was due that day. So we started instituting... weekly meetings, but those meetings would be just a lot. We would talk about a lot of stuff and it'd be everything from strategy to this is the stuff we need to get done. And then there was lots of plates we were spinning all at once. And so in the same way I talk about chasing cats, I always had this sense and it would build as the work increased and as the funding increased. And I would say as [Individual 1]’s needs or expectations increased, I had this sense. I didn't know who was on first base. Sometimes I didn't know what was supposed to be done when. So we would have conversations about trying to be more clear about deadlines, can we have more clarity about that?<sup>46</sup>

RV first met the remaining TNE leaders at a TNE board retreat held in the fall of 2023.<sup>47</sup> At that time, RV also first met other contractors in person who were working with TNE in other capacities.<sup>48</sup>

After the board meeting in fall 2023, RV worked more closely with Individual 1 and another contractor related to fundraising efforts for TNE.<sup>49</sup> She described that Individual 1 over time became less receptive to feedback or insight.<sup>50</sup> Specifically related to one campaign, RV and another contractor worked to communicate expectations to Individual 1 who reportedly did not follow through, cancelled meetings, did not communicate big changes, and passed off responsibilities.<sup>51</sup> However, RV described that she was afraid to call out Individual 1 because of a sense of fear that was yet indefinable, but that later felt that

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<sup>42</sup> RV and Individual 1 text/audio messages, 2023-2024.

<sup>43</sup> RV Tr. #1 at 21.

<sup>44</sup> *Id.* at 19.

<sup>45</sup> *Id.* at 18.

<sup>46</sup> *Id.*

<sup>47</sup> *Id.* at 8.

<sup>48</sup> *Id.*

<sup>49</sup> *Id.* at 9.

<sup>50</sup> *Id.* at 24.

<sup>51</sup> *Id.*

there was, “something about him that he just did not want to be challenged. It was kind of his rules.”<sup>52</sup>

RV shared that she and the other contractor eventually prepped ahead of time, because of these fears, for a meeting with Individual 1 on the issue.<sup>53</sup> They had the meeting with Individual 1 where they shared that he had “dropped the ball” in these ways and that the campaign was very disorganized, but said that Individual 1 did not apologize but just said he’d try harder next time.<sup>54</sup>

RV also began working with Individual 1 on a project involving a documentary of Individual 1 discussing a topic for approximately 30 minutes.<sup>55</sup> Individual 1 and RV were working on the project with RV creating an outline and Individual 1 filling in content and then they would meet to go over what Individual 1 wrote.<sup>56</sup> At this point, RV described that the script needed heavy editing and restructuring to move toward the needs of the project.<sup>57</sup>

In the spring of 2024, Individual 1 and RV began planning for RV to travel to Individual 1’s city for filming of the documentary video.<sup>58</sup> RV’s contracts with TNE did not detail travel requirements or specify how arrangements would be made.<sup>59</sup> TNE also did not have a travel policy at that time. She described that she and Individual 1 were involved back and forth in making her travel arrangements, regarding finding an Airbnb specifically since the one she normally stayed at was not available: “[we] went back and forth on trying to find another option, and [Individual 1] always made sure that I had a choice in saying, yes, I feel comfortable staying here. No, I don’t feel comfortable staying here.”<sup>60</sup> Specifically regarding a car, she noted, “one of my preferences was that I always had my own car. That is just another thing where I feel safest and I don’t feel trapped or at the mercy of Lyft or Uber, things like that. And in the off times I might drive somewhere and go get a cup of coffee or drive somewhere and work.”<sup>61</sup> She stated, “I did have to express to him a few times. I really just feel more comfortable if I can book these things on my own.”<sup>62</sup>

The financial coverage for RV’s travel was also unclear. She noted,

at least half of the times I traveled out, I paid for my own car because their budget was really tight. So it’d be kind of like, we’ll pay for your plane ticket, we’ll pay for your lodging. And then I would voluntarily say, I’ll pay for my car.

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<sup>52</sup> *Id.*

<sup>53</sup> *Id.* at 24-25.

<sup>54</sup> *Id.*

<sup>55</sup> *Id.* at 10.

<sup>56</sup> *Id.*

<sup>57</sup> *Id.* at 11.

<sup>58</sup> *Id.*

<sup>59</sup> *Id.*

<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

<sup>62</sup> *Id.*

I know that. Or he would offer it to loan me one of his family cars. But I knew that I couldn't necessarily count on that.... it would be kind of like, oh, we'll pick you up from the airport, or I'll pick you up from the airport and then I'll drop you at your Airbnb and then I'll pick you up for the meeting. Or I'll come over.... I don't like sort of getting picked up and dropped in a hotel or Airbnb, and especially since he lives in a small community, so it's not like a city where you can get up in the morning and walk and get coffee or, right. That wasn't a given necessarily staying near his residence."<sup>63</sup>

### 3. The Alleged Driving Incident

By the time RV was traveling to Individual 1's location, the script was still not ready because, according to RV, Individual 1 provided the part for which he was responsible late in the process. RV planned to work on the script on the plane, but the wifi was not working, so she felt very behind.<sup>64</sup> The first day of shooting did not go well, according to RV, because the script required a significant amount of rewriting.<sup>65</sup> She and Individual 1 agreed on some of the adjustments, but RV didn't feel like Individual 1 had a sense of the work required:

it was quite a lot. I don't think he realized how much time it took to adjust things. So I was up very, very late that night, very late trying to adjust the script and make it ready for the next day.... And I thought, I need to, we're not going to get all that we need to get done in this very tight timeline if I don't. So I stayed up late that night and got very little sleep and then I woke up the next morning and I still had more work to do on the script that needed to be ready for the shoot.<sup>66</sup>

That morning, RV was expected to meet Individual 1 at his home for them to ride together to the video shoot location approximately 40 minutes away. RV woke up and went to a coffee shop to continue working on the script and lost track of time while focusing on it.<sup>67</sup> She first texted then voice messaged Individual 1 about her ETA, apologizing, saying she knew it would frustrate him but something to the effect that, "I don't think you understand how much work this is, and this is a lot of hours and I'm trying to go the extra mile and I'm here giving 150% day and night, night and day. I'm trying to pull out all the stops to make this happen."<sup>68</sup>

She describes her communication and feelings once she realized she would be late:

By the time I realized I was going to be late, I think I already was late perhaps. And I felt terrible because [Individual 1] really does not like [being] late at all.

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<sup>63</sup> *Id.*

<sup>64</sup> *Id.* at 14-15.

<sup>65</sup> *Id.* at 15.

<sup>66</sup> *Id.*

<sup>67</sup> *Id.*

<sup>68</sup> *Id.* at 20.

He knows that he's told that to me. And I have been in many video shoots, you do not come late to a shoot. You're paying for time. So I remember, from what I recall, I texted him and I apologized or maybe I sent a voice message saying, I am late. I acknowledge I'm late, I am so, so sorry. And I got in my car and I drove over and I felt scared. I just had a bad feeling. And so I got to his house and I remember thinking, I want to drive the car today. I want to be the person driving. And so I got there and I pulled up in front of his house and I texted and I said, Hey, do you want to hop in the car and we can drive? And he said, come into my car or something. And I just knew I got in his car and I could feel you could just cut the air with a knife.<sup>69</sup>

RV described that she could feel that Individual 1 was upset, and that she remembered feeling:

scared but also frustrated. I have been losing sleep over this. I've been trying to do everything I can to get this ready and prepared. I'm exhausted. I was just so exhausted at that point. And then I thought, wow, after all this work and all this heart and soul, I pour into this work and the organization, I'm getting this anger. It just seemed very startling to me.<sup>70</sup>

RV said she tried to lighten the mood by commenting on Individual 1 getting coffee, joking, and talking about the script, but that she would receive one word answers very abruptly from Individual 1.<sup>71</sup> RV alleged that Individual 1 began driving in an angry and rageful manner, very different from anything she had ever experienced from Individual 1:

This was very different. The tone, the feeling in the air. He was driving very fast. He was changing lanes, he was honking, cussing, muttering, and I just couldn't get him to calm down. The drive was going to be 30 to 45 minutes. So I knew I was going to be in that car for a while. And I remember there was one point in the ride where he had to make a right hand turn and we go in the right hand lane and someone was taking their time, taking a right hand turn quite a bit of time. I think any of us would've been annoyed at that point. I don't know if they're on their phone or fell asleep or what, but he was honking and cussing and just rage.<sup>72</sup>

It was just rage driving. I remember in that moment I laughed because I was so scared. I thought maybe if I laugh, it'll diffuse the situation. And it didn't. At that point I started to feel really, really thrown off and I just opened up my laptop and I just kept working. I just looked at the script and I don't even

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<sup>69</sup> *Id.* at 15. RV's description of a reaction out of proportion to the situation was consistent with responses of Individual 1 to other situations reported by at least one other witness. *See, e.g.,* Witness 2 (hereinafter "W2") Tr. at 22-23, 24-25, 29-30.

<sup>70</sup> RV Tr. #1 at 16.

<sup>71</sup> *Id.*

<sup>72</sup> *Id.*

know if I did anything, but I just tried to get myself out of the situation mentally. But I remember thinking, I am on the other side of the country from my family. I'm in a car with a big guy. He's six four. He is very loud and he's very angry and I'm scared. I was scared for my safety. I knew he wouldn't directly hurt me, but I was scared of this. This driving is unsafe. And I remember also thinking, who is this person? What is this? Why am I, is this happening? Why am I so, I don't even know the words. I don't like this word, but not respected enough, not valued enough that me being late, you would put it was worth it to put me in this fearful, scary situation.<sup>73</sup>

Although she alleged that the behavior existed for the whole ride until Individual 1 spoke up toward the end, she described a specific right hand turn where a person in front of them was moving slowly and Individual 1 released, "a string of expletives leaning on the horn, bang, bang, beep, beep, beep," hitting the horn five or six times, cussing "up a storm."<sup>74</sup> She described that it was to a point where she became concerned, "is he going to get out of the car and yell at this person? Are we going to back up and screech around the person?"<sup>75</sup> She described laughing at one point in an effort to diffuse the tension then opening her laptop to try to "create this bubble" around herself as a coping mechanism.<sup>76</sup>

Prior to this day, RV alleges that she had ridden with Individual 1 on several other occasions and had never experienced him driving in this way.<sup>77</sup> She also noted that Individual 1 being a "crazy driver" was a joke at TNE and that she and him had actually bonded over that previously and that she could appreciate "driving that is sort of to the point, slightly impatient."<sup>78</sup>

Approximately five to ten minutes before arriving at their destination, RV described that Individual 1 stated something to the effect that they needed to talk about what happened this morning, that he felt like she didn't respect him, that he hated when people are late, and that they'll have to figure this out and determine if they can keep working together.<sup>79</sup> She described the tone as him "trying to control his deep anger and he just kind of laid into" her even though his words were calm.<sup>80</sup> According to RV, this communication made her feel, "horrible. I felt like I failed him and I failed the organization and I felt scared. I thought, is he going to fire me on the spot?"<sup>81</sup>

At that point, RV described that she had a "combination panic attack PTSD episode where I just remember my face and my arms went numb and I started shaking and crying

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<sup>73</sup> *Id.*

<sup>74</sup> RV Tr. #3 at 4-5.

<sup>75</sup> *Id.* at 5.

<sup>76</sup> *Id.*

<sup>77</sup> RV Tr. #1 at 16, 23.

<sup>78</sup> *Id.* at 16.

<sup>79</sup> *Id.*

<sup>80</sup> *Id.*

<sup>81</sup> *Id.*

and I just felt really, I just fritzed. I didn't yell or anything, I just cried."<sup>82</sup>

She noted that at that point, Individual 1's tone changed, he took her hand, and made statements that RV described to GRACE as "nice and reasonable" such as "it's okay" and "let's not make this a big deal" and "we're going to figure this out."<sup>83</sup> RV described that he waited for the panic attack to end and for her to regain her composure.<sup>84</sup> She described feeling humiliated, that having a panic attack felt unprofessional, and that she was "pushed to that point."<sup>85</sup>

RV described her comments and thoughts after the panic attack ended as:

it's fine, it's fine, it's fine because I wanted it to be fine. I didn't want to believe that happened. I didn't want to think about what does this mean in terms of can I trust this person? Am I safe? And I remember he said something to the effect of, yeah, [an unnamed individual] has said something to me about when I do things like this that I remember something like that. And then I thought, oh no, is this a character, a part of his character?<sup>86</sup>

RV said that Individual 1 did not apologize for his driving, but that his words suggested that her lateness was what caused the situation and that she needed to work on that so they didn't have this type of situation.<sup>87</sup> She remembered him saying something like, "I'm not angry, I'm frustrated," but said that she felt it was indeed not frustration but anger, that the tone and the scenario was "anger, borderline rage" and that the driving was "rage driving a hundred percent."<sup>88</sup> She said that she did not address the driving in those conversations.<sup>89</sup>

At some point, they went inside to begin the shoot and RV alleged that the shoot did not begin for quite awhile and that when they arrived, the other contractor left to go get sandwiches.<sup>90</sup> She remembered thinking:

why did I get that reaction when his way of dealing with his [friend and other contractor] was so casual and loose? And so it felt very dissonant, like, wow, we just went through all this to get here, and I just got royally chewed out and terrified, and yet this guy's leaving to go get food. So that was confusing to me, a very, very mixed message.<sup>91</sup>

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<sup>82</sup> *Id.*

<sup>83</sup> *Id.* at 16-17.

<sup>84</sup> *Id.*

<sup>85</sup> *Id.* at 17.

<sup>86</sup> *Id.*

<sup>87</sup> *Id.* at 20.

<sup>88</sup> *Id.*

<sup>89</sup> *Id.*

<sup>90</sup> *Id.* at 22.

<sup>91</sup> *Id.*

RV described the day as “very difficult,” that she “felt triggered” like “her mind and body were on fire that day,” but that she did her best to get through it.<sup>92</sup> She felt that based on Individual 1’s close friendship with the other contractor present, she was regularly undermined and overruled in her advice that day on the video shoot, left out of inside jokes, and generally felt out of place, although that is not something that regularly bothers her.<sup>93</sup>

At some point that day, RV texted Witness 3 (hereinafter “W3”), “Something triggered me this morning and I can’t seem to get back on track.”<sup>94</sup> Later that evening she described the incident as Individual 1 “driving very erratically” and that she was “frightened for her safety.”<sup>95</sup>

After that day’s shoot was over, she said she felt “scared of being in the car again” with Individual 1 who said something like, “are we good? Are we okay?” and she responded that yeah, it was okay because she didn’t really want to say how she felt and couldn’t really understand how she felt at that point.<sup>96</sup>

The next day, RV again met Individual 1 at his home to ride together to that day’s video shoot.<sup>97</sup> She described that on that occasion, he drove how he otherwise typically did.<sup>98</sup> In comparison, she described,

So baseline, [Individual 1] is a bit of a lead foot. He's usually pretty talkative, I wouldn't say distracted, but just meaning an active driver, meaning he's not the kind of guy to just pick one lane and drive that lane the whole time. He might, yeah, sometimes he'd be a little impatient, but it was more just like saying, oh, why is that person driving so slow? I mean, he'd say it more in a ... New Jersey way or, oh, that person's driving so slow. But it wasn't was just a very, it's like if you take a baseline [Individual 1] and then rage driving, it was just a totally different feel.

[At his baseline driving-] him angrily cussing at people. No, he wouldn't do that. The kind of driving where when someone's driving crazy, you kind of move in your seat because swerving, he'd never done that before. The kind of when you pull up to someone and you kind of decelerate really fast, he wouldn't really do that. It was all that type of driving where I thought we could get in an accident or when we were at that right turn situation, I thought, is he going to get out of the car and yell at the person? Was that

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<sup>92</sup> *Id.* at 17.

<sup>93</sup> *Id.*

<sup>94</sup> Text between RV and W3.

<sup>95</sup> Written responses to questions from W3.

<sup>96</sup> RV Tr. #1 at 17.

<sup>97</sup> *Id.*

<sup>98</sup> *Id.* at 23.

level of it was just very intense.<sup>99</sup>

She described the next day's driving as typical of his driving, including his behavior at the specific right-hand turn where the day before he had been yelling, cussing, and honking.<sup>100</sup>

#### 4. After the Alleged Driving Incident

After the incident, RV said that Individual 1 did check in with her several times to ask if they were "okay" and "good."<sup>101</sup> She described the incident to two other witnesses and "really felt troubled by it and very uncomfortable."<sup>102</sup> She had been trying to work normally with him, but eventually realized that she couldn't.<sup>103</sup>

On May 21, 2024, twelve days after the driving incident, RV had a conversation with Individual 1. She told him that she wasn't okay with what happened, that she was uncomfortable and that even though she had said she was okay, she wasn't, and that she felt like they needed to talk about it.<sup>104</sup>

She described his response as exhibiting irritation and frustration and marked by statements like,

- Why are you bringing this up now?
- I feel like you're blindsiding me.
- What if you go public with this? Are you going to go public with this?<sup>105</sup>

She felt shocked that he would think she would want to "go public."<sup>106</sup> He suggested that he needed to inform what board which she interpreted that "like a threat":

And I immediately felt like he was angry with me. He was fed up with me. I was going to lose my work with them. I was going to lose my income associated with that work. I feel like he felt like I betrayed him. Those were all the fears that immediately surfaced that I feel like were kind of said without him saying it.<sup>107</sup>

RV asked Individual 1 not to take the issue to the board and said she thought they could work this out because they were friends and had worked other conflicts out in the past.<sup>108</sup> Instead, she felt that she was put in a position to have to defend why she was bringing it up

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<sup>99</sup> *Id.*

<sup>100</sup> RV Tr. #3 at 7.

<sup>101</sup> RV Tr. #2 at 1.

<sup>102</sup> *Id.*

<sup>103</sup> *Id.*

<sup>104</sup> *Id.*

<sup>105</sup> *Id.*; RV Tr. #3 at 8.

<sup>106</sup> RV Tr. #2 at 1.

<sup>107</sup> *Id.*

<sup>108</sup> *Id.* at 1-2.



or asking to address it.<sup>109</sup> She said this conversation involved no apology or acknowledgement of the inappropriate nature of the incident by Individual 1.<sup>110</sup> When asked what she would have likely said had Individual 1 been receptive to the discussion, RV stated,

I probably would've said, I know you and I know you were angrier than I've ever seen you before. What was that about? How can we make sure that if you are angry, you aren't driving me or another TNE vendor or associate or guest or any of that? Are you okay? Are you stressed? Are you angry, [Individual 1], is there any way I can help you? Can we talk about the fact that you're a big, big guy and I'm a woman, and when you behave that way, it's intimidating for a woman. It feels unsafe. Can you, we need to think about this because you're becoming a more public figure and there's going to be other times you might be driving with other women. There might be other frustrating situations. How do we make sure that this type of thing doesn't happen with anyone else?<sup>111</sup>

RV and Individual 1's relationship reportedly continued almost on two tracks - work exchanges that were logistic and functional, and then exchanges focusing on the driving incident and its aftermath.

On June 11, RV communicated to Board Member 1 (hereinafter "BM1") and Board Member 2 (hereinafter "BM2") what she needed to hear from Individual 1: "I am sorry, I crossed a line, it did harm, I will make sure it doesn't happen again to me or anyone. It was rage driving" noting also that "it can't happen again. I've never experienced that before."<sup>112</sup>

On June 12, RV stated in an email to a board member and Individual 1 that she needed to step back from working with Individual 1 until she felt emotionally safe, describing her feelings as heartbroken, unsettled, vulnerable, not safe, and not comfortable pretending everything was okay.<sup>113</sup> She stated that it was okay if she was not paid for any work hour shortfall.<sup>114</sup>

That evening, RV had a call with a TNE board member and Individual 1 where she received what she later described as a "soft" or "roundabout" apology - Individual 1 acknowledging that the situation had been hard for RV and had an impact on her and that

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<sup>109</sup> RV Tr. #3 at 9.

<sup>110</sup> RV Tr. #2 at 3.

<sup>111</sup> RV Tr. #3 at 9.

<sup>112</sup> Notes of 4/11/2024 conversation between BM1, BM2, RV and W1.

<sup>113</sup> Email from RV to board member and Individual 1, 6/12/2024.

<sup>114</sup> *Id.*

Individual 1 was sorry for that.<sup>115</sup> RV felt it was forced.<sup>116</sup> She described to GRACE that she was thinking that she “didn't want to be an accuser. I didn't want to be, I'm going to burn him down.”<sup>117</sup>

RV described a cycle where she would try to work normally with Individual 1, but would eventually feel like they needed to talk about the situation and work through it:

And I'd say, can we actually work on repairing our working relationship and our relationship? And then I can pretend or then I can work more normally. And so that was where he would just kind of get really angry and frustrated. And so then I knew my choice was either to keep frustrating him or just try and act like nothing happened, which would not be successful for me because there was this growing fear and confusion. Why is he angry about apologizing or acknowledging this, especially given the things that he speaks out against out there?<sup>118</sup>

On June 25, 2024, Individual 1 asked RV to focus her work time on the documentary and pulling B roll clips.<sup>119</sup> RV began to feel like Individual 1 was retaliating against her as a result of this dynamic - not communicating as they would have before and pulling work away from her.<sup>120</sup> RV described work and conversations with external advisors that she had previously been responsible for, involved in, or copied on but that ended during this time.<sup>121</sup> When she would ask Individual 1 about it, she claims he would respond that he was just busy.<sup>122</sup>

On July 2, 2024, RV and Individual 1 had a Zoom call that RV described as lasting approximately 90 minutes and as “a debate... very combative” and that Individual 1 “kept

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<sup>115</sup> RV Tr. #2 at 4; Notes from 4/12/2024 conversation between BM1, BM2, Individual 1, RV, and RV support person (Individual 1 “started by saying he was truly sorry for the impact he caused that clearly created harm. He said impact is more important than intent. He said he was sincerely sorry and wanted to do better as we move forward.”)

<sup>116</sup> RV Tr. #2 at 4.

<sup>117</sup> *Id.*

<sup>118</sup> *Id.* at 5.

<sup>119</sup> A recording of this call was provided to GRACE investigators by Individual 1. Notably, RV was not aware that a recording was made. It is significant that as early as April 2023, when RV was still only volunteering with TNE, Individual 1 was asking her to do branding and graphics work, which she did, but also clearly emphasized that her expertise focused more specifically on strategy. See Text/audio messages between Individual 1 and RV, dated 4/5/2023-4/7/2023. RV contrasted her expertise with some of these more mundane tasks and her expectation that such work could be handed off to someone else as it gets in a better place. *Id.*

<sup>120</sup> RV Tr. #2 at 5. Toward the end of this call, RV states, “So I wanted to say one more thing. You don't have to be so quiet. Normally I would just say normally you kind of say, Hey [RV], this great thing happened, or whatever. You've just been really quiet and I think maybe you're trying to give me space, but I will just say that my old boss did that. She got super quiet with me and only talked to me about, only engaged with me when she wanted something directly. And so I have a feeling your motivations are very different and you're just trying to give me space. But it's okay to chat me up.” Recorded call between RV and Individual 1, 6/25/2024.

<sup>121</sup> See, e.g., emails and RV comments re: thumbnail strategies and partnership.

<sup>122</sup> RV Tr. #2 at 5.

sort of redirecting it to be [her] fault and [her] problem” and that he raised his voice.<sup>123</sup> She further described it as she would “say something, he’d debate or deny or invalidate or gaslight or just, and I was outgunned.”<sup>124</sup> She remembered expressing on that call that she felt like she was being retaliated against by not having the communication to do her job, although they continued to pay the retainer.<sup>125</sup>

She summarized her allegations regarding the change in her work as: “The kind of work I got changed very drastically and into more lower level or no work at all. The quantity of work changed to be greatly decreased. I went from working many hours, often too many hours to not working.”<sup>126</sup> On the documentary that was filmed, Individual 1 asked her to pull B-roll footage, and she responded that not only was she not good at that, but that the work she was contracted to do was to guide them strategically versus low-level work for a video team.<sup>127</sup> She noted that she spent so many hours on that project, after reporting that fact and an estimate of time to Individual 1, TNE paid her extra for that time, as well as extra for the documentary trip on which the driving incident occurred, based on extraordinary hours worked.<sup>128</sup>

## 5. Mediation

After the 90-minute call, Individual 1 suggested to RV that he and RV engage in mediation and that he had someone in mind.<sup>129</sup> He disclosed that the person in mind was a trauma-informed therapist (“Mediator”) and that she had appeared on a TNE podcast episode that Individual 1 hosted.<sup>130</sup> At the time, RV felt like Mediator was credible and the fact that Mediator had been on the show made RV trust Mediator more.<sup>131</sup>

A few days prior to the mediation, another contractor of TNE in whom RV had confided about the incident, Witness 1 (hereinafter “W1”), reached out to Individual 1 expressing support for the idea of mediation, stating:

I also want to emphasize how strongly power-dynamics and past trauma come into play in situations like this, and how BRAVE it is for someone to address an issue with their employer when a part of their livelihood is at stake. [RV] updated me today to let me know that you've offered mediation, and I can't tell you how happy I was to hear that. I KNOW that you're a good person with a big heart and a genuine passion to hold space for people. As someone who has been through this myself, I just want to ask that you listen

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<sup>123</sup> *Id.* at 5; RV Tr. #3 at 12.

<sup>124</sup> RV Tr. #3 at 12.

<sup>125</sup> RV Tr. #2 at 5.

<sup>126</sup> RV Tr. #3 at 1.

<sup>127</sup> *Id.*

<sup>128</sup> *Id.* at 16, 17.

<sup>129</sup> RV Tr. #2 at 5.

<sup>130</sup> *Id.*

<sup>131</sup> *Id.*

to understand and hold space for the discomfort and the opportunity to grow as a leader as you and [RV] attempt to resolve this with the mediator.<sup>132</sup>

Individual 1 replied, noting that he was an “open book,” and that the board had authority over him.<sup>133</sup>

Mediator described the mediation request as Individual 1 reaching out, disclosing that he had a situation and asking if she had ever done trauma informed mediation, when she said she had,<sup>134</sup> Individual 1 asked if she would be open to doing it with himself and a colleague, a contractor for TNE, and she agreed.<sup>135</sup> According to RV, after she obtained Mediator’s email from Individual 1, she also reached out to Mediator who stressed that she did not know anything about the conflict from Individual 1 other than it was a “conflict between [RV and Individual 1] that the two of you have been trying to navigate for a while and have been unable to come a resolution” and that Individual 1 mentioned it might take longer than one two-hour meeting.<sup>136</sup> Mediator also outlined her planned process as meeting together first, then possibly separately, then possibly together again.<sup>137</sup>

Mediator disclosed that she first became aware of Individual 1 and TNE through social media, following their Instagram, and thereafter sometimes liking and reposting one another’s posts.<sup>138</sup> Mediator also noted that Mediator and TNE work with similar types of people.<sup>139</sup> About nine months prior to the mediation, Individual 1 interviewed Mediator on the TNE podcast (via a video platform) as part of promoting Mediator’s book.<sup>140</sup> According to Mediator, the episode was released approximately a month or two later.<sup>141</sup> Individual 1 again recorded a TNE podcast episode with Mediator as the guest several months later (in

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<sup>132</sup> W1 email to Individual 1, dated 7/3/2024.

<sup>133</sup> *Id.*

<sup>134</sup> Mediator stated that she thinks of it as “trauma informed consultation” which leans more toward mediation versus therapy and that she had been doing it for probably 10-12 years. Mediator Tr. at 6. When Mediator was asked if they were aware of why Individual 1 asked about it being specifically “trauma-informed,” Mediator replied, “I will say trauma-informed is very much a buzzword, and people understand that if you have a trauma-informed lens, you’re supposed to know how trauma operates in the body. I think he knew that. That is something I knew about, but also it didn’t strike me as odd because everybody nowadays wants a trauma-informed everything. They want a trauma-informed hairdresser and a trauma-informed this and that.” Mediator Tr. at 8.

<sup>135</sup> Mediator Tr. at 5-6, 7.

<sup>136</sup> *Id.* at 7.

<sup>137</sup> *Id.* It does not appear that there was a contract or scope of work for the mediator, but rather, Individual 1 said they would pay for it and for Mediator to send invoices. Mediator Tr. at 9. Mediator emailed Individual 1 with available times and her hourly rate that she would bill for the mediation work. Mediator email to Individual 1, 7/2/2024.

<sup>138</sup> Mediator Tr. at 3, 47.

<sup>139</sup> *Id.* at 47.

<sup>140</sup> *Id.* at 3 (also disclosing that it was likely Mediator’s publisher coordinated with Mediator’s assistant who likely arranged booking and coordinating the interview with Individual 1 and/or Individual 1’s scheduler).

<sup>141</sup> *Id.* at 4.

March or April 2024, approximately 3 months prior to the mediation),<sup>142</sup> and that episode released the morning of the actual mediation between Individual 1 and RV (not known by RV until after the mediation concluded).

Mediator expressed that, because her only relationship with Individual 1 was as described above, and that she didn't know anything about him personally or how TNE operated, Mediator "didn't feel like it was going to hinder anything in terms of being able to be impartial and also work through things."<sup>143</sup> Mediator clarified that:

I tend to be very ethical in the way that I act. And so if [Individual 1] and I had been best friends or we hung out a bunch of times or something, I would've said, no, that's not going to be the best fit. So that's just my own personal preference. But in terms of therapy, ethics don't cover mediation unless you were to be doing it under your therapy practice, which I don't even know how that would exactly work, but I don't. So yeah, it was very clearly defined as a consultation and listed, which is, yeah, I just do those kind of an on demand type thing.<sup>144</sup>

Mediator shared that at the beginning of the mediation, some of the ground rules set were that Individual 1 and RV would not speak to the other contractors about the situation, that it would stay with the few board members who already knew, and it was not going to be "talked about publicly in any sort of way."<sup>145</sup>

Mediator later described the background as RV described to her: "[T]here was something with the scripts they had done day one, the scripts, what they thought they were going to be, and [RV] was going to have to rewrite all of them. She had gone back to her hotel, I guess after that day, was rewriting late into the night, was at a coffee shop rewriting that morning, and ended up being 40 minutes late to get to [Individual 1's] house where they were leaving from."<sup>146</sup> Mediator told GRACE investigators that both RV and Individual 1 agreed that Individual 1 was "very quiet" in the car and "short with his words."<sup>147</sup> Mediator described that both RV and Individual 1 agreed that at one point, Individual 1 had "an overreaction to being cut off," and although both admitted to being aggressive drivers, RV "felt that it was more aggressive than what had happened in the past," that Individual 1 was "being very aggressive" and that RV had felt "very unsafe."<sup>148</sup> In the mediation, Mediator describes that although after the car incident, RV and Individual 1 seemed okay with one another, after RV was processing the events with friends or a therapist, she started to

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<sup>142</sup> *Id.* at 4, 5 (disclosing that as far as Mediator could remember, the recording was coordinated on an email chain of Individual 1 and Mediator and their two assistants).

<sup>143</sup> *Id.* at 9.

<sup>144</sup> *Id.* at 10.

<sup>145</sup> *Id.*

<sup>146</sup> *Id.* at 12.

<sup>147</sup> *Id.*

<sup>148</sup> *Id.*

realize that the trigger really was Individual 1's manner and driving.<sup>149</sup>

RV described that at or near the beginning of the mediation (over Zoom), when RV stepped away, she heard Individual 1 and Mediator chatting and laughing and she started to feel strange given that it seemed like they were friends.<sup>150</sup> When asked by Mediator how she would fix the situation, RV felt cornered, expecting some kind of collaborative resolution, and expressed that she felt "scared."<sup>151</sup> She described the events:

I remember I got very, I cried. I just remember talking about being scared, feeling unsafe, realizing I am in physical danger, just meaning the way the car was being driven, sort of realized feeling the power differential of a big guy. And I'm a woman in a car realizing I had no control. So I really just talked about, I think the fear, the vulnerability I felt, the anger. It was an emotional, but also physical fear I had and how I just, I mean, I recall describing that and just trying to be really honest about those feelings, thinking that that honesty would be sort of acknowledged in that conversation.<sup>152</sup>

She described Individual 1's response as, "the idea was it wasn't that bad. It was just me driving in my [normal] way. I wasn't really angry. I was frustrated" and that RV being late was what precipitated his response.<sup>153</sup> RV described that Individual 1 was "very aggressive in that mediation and basically walked back everything he said and that soft apology."<sup>154</sup>

RV recalled that Mediator referenced the fact that RV laughed during the drive and RV explained that she was "terrified" and trying to diffuse the situation.<sup>155</sup> RV alleged that Mediator expressed that she "wasn't doing herself or anyone else favors" if she didn't know how to fix the situation, which felt belittling to RV.<sup>156</sup> She said that although she referenced a parent often giving her the silent treatment as a child, it was not a scenario where Individual 1 being silent triggered her response, but that her history of receiving that treatment allowed her to recognize in reflection that what she was receiving in the car was "angry silent treatment" and that the air was so thick with it, you could slice it.<sup>157</sup> She felt like the overall tone was that since she was a person with a history of trauma, it lessened her believability.<sup>158</sup> She described it as that she had to "almost sell the idea that this happened and try and convince people that it was wrong, including [Mediator]."<sup>159</sup>

According to Mediator, Individual 1 admitted that in his May 28 meeting with RV, she

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<sup>149</sup> *Id.*

<sup>150</sup> RV Tr. #2 at 6.

<sup>151</sup> *Id.*

<sup>152</sup> *Id.* at 7.

<sup>153</sup> *Id.*

<sup>154</sup> *Id.* at 4.

<sup>155</sup> RV Tr. #3 at 5.

<sup>156</sup> RV Tr. #2 at 6.

<sup>157</sup> *Id.* at 9.

<sup>158</sup> *Id.*

<sup>159</sup> *Id.* at 10.

said to him something to the effect that “what happened to me in the car shouldn’t happen to anyone else.”<sup>160</sup>

## 6. Post-Mediation

After the mediation, RV described speaking with someone experienced with mediation and hearing the perspective that aspects of her mediation experience were not typical, for example, that they all first met together, one party knew the mediator, and the day of the mediation, Individual 1 and Mediator released a podcast episode together.<sup>161</sup>

After these realizations, RV emailed Mediator and declined to move forward with any more mediation.<sup>162</sup> She also spoke with Individual 1 in what RV described as “fawning” in stating that she loved TNE, wanted to work this out, and wanted to continue to work with them, but then also pointed out her concerns about the mediation.<sup>163</sup> She alleged that he then, “exploded on me on the call, and I remember he just started to harangue me, lawyer me, and I just remember I started crying again because the calls started to get that I would just get harangued and I’d start crying and there would be no slowing down on his part.”<sup>164</sup>

RV reached out to two board members after that call where she described Individual 1 as “berating her” but felt like she received little acknowledgment or support from the board.<sup>165</sup>

On July 24, 2024, RV and W1 submitted a grievance (the “Grievance”) to TNE detailing the timeline of events related to the alleged car incident. The Grievance described the car incident in these words:

[Individual 1] driving unusually recklessly, while palpably upset with [RV] for being late to meet him. After apologizing to [Individual 1], [RV] continued trying to make conversation – even at times trying to use humor – to ease the tension, while [Individual 1] continued to provide abrupt answers, drive erratically, cuss at other drivers, honk, thus causing [RV] to feel both physically and emotionally unsafe.

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<sup>160</sup> Mediator Tr. at 13.

<sup>161</sup> RV Tr. #2 at 11.

<sup>162</sup> *Id.*

<sup>163</sup> *Id.*

<sup>164</sup> *Id.*

<sup>165</sup> RV Tr. #3 at 2. RV’s email detailed the problems she and others she consulted saw with the mediation including a conflict of interest / bias in favor of Individual 1, and the structure of the mediation, the power differential between herself and Individual 1, being heartbroken and bewildered, and that her conversation with Individual 1 including her feeling “dressed down” by him. RV Email to BM1 and BM2, dated 7/18/2024. One board member did respond within a few hours, noting the board member’s limited accessibility and certain emotional demands of the personal trip the board member was on. According to TNE, the other board member was out of the country and responded when they returned, which was several days later and after the Grievance was filed.

The Grievance described the concerns from after the incident as:

- Blaming RV for his actions;
- Focusing on RV's lateness with no apology or acknowledgement of his behavior;
- Suggesting RV would "go public" with the incident
- Suggesting that it should go to the board - perceived as potentially threatening and punitive
- Drastically changing and reducing interactions with RV as a result of her complaint
- Acting hostile and unprofessional, scapegoating RV, and putting the onus of reconciliation on her shoulders
- Refusing to recognize power dynamics at play
- Changing workload and assigning lower level work outside RV's expertise
- Mediation where RV felt "cornered, intensely pressured, pointedly questioned, and intimidated"
- Mediator having a conflict of interest
- Hostility and argumentativeness related to RV's rejection of the mediator
- Poor response on the part of the board to RV's concerns

On September 3, 2024, RV submitted her resignation to TNE to be effective September 13, 2024.<sup>166</sup> She described the initial driving incident as "unsafe, frightening, and unprofessional" and the resignation as not being about the driving incident or personal misunderstanding, but about "deeper issues that revealed a demonstrable inability to listen, empathize, apologize, and change."<sup>167</sup> She further alleged that donations to TNE had "enabled an engaging personality to build a personal kingdom, and maintain an unchecked hold on the daily operations, messaging, management, and impact on every aspect of the work. This is dangerous for the future of TNE. Checks and balances are essential to protect a vulnerable community."<sup>168</sup>

W1 who had provided emotional support to RV, and who had emailed Individual 1 a few months prior expressing her thankfulness that mediation was going to happen, also resigned due to the allegations of RV and their handling by the TNE board.<sup>169</sup>

RV also expressed additional concerns about a shift over time in Individual 1's growing focus toward "success" metrics versus serving the community. One example described by RV involved a specific post related to porn that had generated controversy in community response because followers received it as minimizing the harmful impact of porn and responded with emphasizing that porn had harmed them and their relationships.<sup>170</sup> After addressing that post, RV noted that Individual 1's

conversations more and more would not focus on what's good for the

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<sup>166</sup> RV Resignation to TNE Board, dated 9/3/2024.

<sup>167</sup> *Id.*

<sup>168</sup> *Id.*

<sup>169</sup> W1 Resignation to TNE Board, dated 9/3/2024.

<sup>170</sup> RV Tr. #3 at 14.



community or what's good for the new evangelicals or helping people in their spiritual or deconstruction journey. It would be an obsession almost with I got so many clicks, I got so many likes, this post did great. This post didn't do great. This really got a lot of donations, this didn't. So I saw that he chose to do that title to increase clicks.<sup>171</sup>

## 7. Impact on RV

RV described the impacts over time as betrayal, hurt, confusion, fear, including that TNE was based on a “better way forward,” but that it felt similar to the very situations Individual 1 was calling out and that hypocrisy was what made her believe that Individual 1 would see the issue eventually and that TNE would do better.<sup>172</sup>

She also expressed a fear of not being believed that she was accurately describing the driving incident as frightening, intimidating, and wrong because Individual 1 “worked very hard to unravel” it and to “question [her] memory” of it.<sup>173</sup> She acknowledged that in the realm of misconduct or abuse, this was definitely “not the worst thing,” but that she viewed it as needing to keep “short accounts” and never expected it to turn into “a harmful, toxic, frightening dynamic with somebody.”<sup>174</sup> She also expressed confusion and grief that, “this person that I believed and trusted had this side of him that absolutely would not self-reflect, which is what was demanded of other people.”<sup>175</sup>

## B. Individual 1’s Response to Allegations

### 1. Formation and Organization of TNE

In late 2020, Individual 1 began posting on social media about issues related to faith, politics, and culture.<sup>176</sup> He had no background as a paid clergy person, although he had been serving on a church worship team.<sup>177</sup> He was eventually asked to leave that position due to his social media work on issues of faith.<sup>178</sup> By the fall of 2021, several individuals had either reached out or responded to his requests for assistance, as followers of the account(s) and began voluntarily assisting with admin tasks, the Facebook community, and financial and organizational tasks.<sup>179</sup> At that time, he publicly proposed the idea of forming TNE as a nonprofit organization.<sup>180</sup> Followers donated to do so and those volunteers

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<sup>171</sup> *Id.*

<sup>172</sup> *Id.* at 2.

<sup>173</sup> *Id.* at 3.

<sup>174</sup> *Id.* at 3.

<sup>175</sup> *Id.* at 3.

<sup>176</sup> Individual 1 Tr. #1 at 6.

<sup>177</sup> *Id.*

<sup>178</sup> *Id.*

<sup>179</sup> *Id.* at 8, 9.

<sup>180</sup> *Id.*

became the first three board members of TNE when it officially became a 501(c)(3) in 2022.<sup>181</sup> Individual 1 shared that accountability was important to him since TNE engaged in the work of holding faith leaders accountable.<sup>182</sup>

Except for one board member who was also a faith-based influencer, other board members who eventually joined TNE also joined as a result of being followers of Individual 1 and the social media presence he created around these issues, or as actual donors to TNE.<sup>183</sup>

Individual 1 emphasized that he was passionate about not exploiting people's labor and wanted people who volunteered or otherwise performed services to TNE to speak up if they reached their capacity.<sup>184</sup> When asked about the categories of individuals who performed functions for TNE, Individual 1 shared that TNE only had one current volunteer, who has refused to be paid.<sup>185</sup> After further questioning about other roles and payments, he responded that someone served as a volunteer for the web admin work, as well as seven or eight unpaid Facebook mods, and confirmed that board members are not paid and in fact, are donors to TNE.<sup>186</sup>

According to Individual 1, he expressed that he sought to check in with volunteers monthly to make sure they weren't working too much.<sup>187</sup> When one contractor said he needed to step away, TNE found another contractor for that role.<sup>188</sup> According to Individual 1, volunteers and contractors were originally asked to keep track of hours, but hardly anyone did and since contractors were being paid a flat fee per month, they dropped the expectation.<sup>189</sup>

Individual 1 was the only employee for some time, named as executive director, but which he described as more of a communications creator.<sup>190</sup> He could not remember if he had an employment contract.<sup>191</sup> TNE confirmed that they did not have an employment contract for Individual 1.<sup>192</sup> TNE also recently hired a full-time administrative person who Individual 1 said is paid hourly according to a submitted timesheet.<sup>193</sup>

Individual 1 described standing meetings each week related to the podcast, finances, and admin tasks which are usually conducted over the phone or Zoom and not

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<sup>181</sup> *Id.* at 8-9.

<sup>182</sup> *Id.* at 9.

<sup>183</sup> *Id.* at 9-10.

<sup>184</sup> *Id.* at 10.

<sup>185</sup> *Id.*

<sup>186</sup> *Id.* at 12.

<sup>187</sup> *Id.* at 17.

<sup>188</sup> *Id.*

<sup>189</sup> *Id.* at 18.

<sup>190</sup> *Id.* at 14.

<sup>191</sup> *Id.* at 12.

<sup>192</sup> Correspondence with TNE liaison.

<sup>193</sup> Individual 1 Tr. #1 at 10, 13.

generally recorded.<sup>194</sup> He admitted that although being on time is important to him, he does sometimes double book meetings on accident and has to move them.<sup>195</sup>

Prior to instituting the new travel policy in 2024 after the alleged driving incident with RV, Individual 1 stated that when there were multiple people, such as at the Board retreat in fall 2023, carpooling among several people was common.<sup>196</sup> Individual 1 stated that people always had separate accommodations such as Airbnbs and also flatly denied that RV had ever stayed at his home when she traveled to his city for TNE.<sup>197</sup>

## 2. Individual 1's Relationship with the Board

Individual 1 described the areas in which he has control for TNE as: "content that gets posted, the direction of content, checking in with our Facebook admin and stuff like that."<sup>198</sup> To distinguish between creative direction for which he needs board approval, he noted that, "when I came up with this idea last year of Project Amplify,"<sup>199</sup> he went to the board to make sure they were all on the same page to amplify voices beyond his own.<sup>200</sup> According to him, he also needs board approval for spends over \$500.<sup>201</sup>

Individual 1 described that TNE Board meetings generally occurred once per month and his communication with them was typically over Slack or Zoom.<sup>202</sup> Individual 1 emphasized several times that the board has the final say and they have authority over him.<sup>203</sup> When asked about his interaction with the board when they disagree, Individual 1 responded:

I was very aware way back then, three years ago when I set up the board that there could be a moment where something happens that we're really at odds and that they would have the final say over me. And that's how we're able to tell our people with a straight face that I have accountability, right? Because even when [Individual 1] makes a mistake, he still has to have people who can say, that's a bad idea. We're going to do this anyway. But that has never happened. Usually there's always like, let's talk this out. I'm not seeing what you're seeing. Okay, I see what you're seeing. Absolutely.<sup>204</sup>

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<sup>194</sup> *Id.* at 19.

<sup>195</sup> *Id.*

<sup>196</sup> *Id.* at 25.

<sup>197</sup> Q: "Did she ever stay at your house?" A: "Not overnight. No, definitely not." Individual 1 Tr. #1 at 26.

<sup>198</sup> Individual 1 Tr. #1 at 20.

<sup>199</sup> According to RV, Project Amplify was something she and Individual 1 created and worked on together, and it was RV, in fact, who named it, wrote the strategy, and built the presentation to pitch it.

<sup>200</sup> *Id.*

<sup>201</sup> *Id.* at 21.

<sup>202</sup> *Id.* at 20, 27-28.

<sup>203</sup> *Id.* at 20.

<sup>204</sup> *Id.* at 23.

### 3. Handling of Feedback or Complaints

Individual 1 shared that there was no specific system for review of his performance although the board gives him feedback at the end of the year, determines his salary and if he gets a bonus.<sup>205</sup>

According to Individual 1, in the fall of 2023, TNE put a grievance policy in place after an upsetting incident in the Facebook group.<sup>206</sup> He noted that, “I don’t see any of other grievances that come in. I don’t know what board members see it. I have no idea, but I know that something is in place.”<sup>207</sup>

### 4. RV’s Involvement with TNE and the Alleged Driving Incident

Individual 1 described that RV “really courted me heavily and was like, Hey, I want to help out.” According to Individual 1, RV began helping out with creative work and “as the scope of work grew,” Individual 1 pressed her to be paid, noting that “we’re kind of on the verge of exploiting your talent and labor.”<sup>208</sup>

According to Individual 1, RV came on as a contractor in the fall of 2023, working approximately 20 hours per week, 80 hours per month, for a flat fee of \$3500 per month.<sup>209</sup> Individual 1 shared that some of the tasks RV worked on included revamping TNE’s website, helping write Individual 1’s scripts for speeches, creating much of the mission statement, branding assets like cover art and logo.<sup>210</sup> RV was not required to turn in a timesheet and Individual 1 expressed that he felt like she was working the appropriate hours and that if she worked over them, he had communicated for her to say so and she would be paid.<sup>211</sup>

Individual 1 described that he and RV typically communicated over text, including through voice messages over text, similar to how he communicated with others, “because you can hear tone of voice, you can hear inflection. I feel like it just lowers the possibility for miscommunication, especially when someone like me is talking to a volunteer. I try to be aware of the power dynamic.”<sup>212</sup>

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<sup>205</sup> *Id.* at 32.

<sup>206</sup> *Id.*

<sup>207</sup> *Id.*

<sup>208</sup> *Id.* at 16.

<sup>209</sup> *Id.* at 49.

<sup>210</sup> *Id.* at 46, 49-50. Individual 1 described that RV’s work filled in a lot of holes for TNE at that stage: “I’m sure you can understand to a degree when you’re running a tiny little nonprofit where I’m working out in my guest bedroom and there’s me and one contractor, we’re all doing all different, we’re all kind of blurring into our lanes. And [RV] did that. I mean, she was helping me make YouTube thumbnails for a long time. She loved doing that. She helped redesign some of our branding. She helped with a lot of things that could be considered low level when it came to, in particular with the B-roll and this Christian Nationalist documentary.” Individual 1 Tr. #2 at 6.

<sup>211</sup> Individual 1 Tr. #1 at 50.

<sup>212</sup> *Id.* at 27.

There was no project management platform between Individual 1 and RV other than an excel spreadsheet with tasks and deadlines.<sup>213</sup> Individual 1 mentioned that the podcast/video team used Trello for workflow, but that “as far as big picture and direction, it was pretty whack because it's a lot of coming out of my head and trying to manage four different people now.”<sup>214</sup>

In fall 2023, Individual 1 described that he and RV created a new campaign for TNE and that the fundraising contractor was also involved.<sup>215</sup> He admitted that he did not follow through on tasks he was given for the campaign related to content to be posted.<sup>216</sup>

Individual 1 described his relationship with RV: “So we got very close, and no doubt it was definitely a friendship and a working relationship. There's just no doubt about that. We had a lot of long conversations. They were all totally appropriate, of course, but they were just deep and she's going through stuff.”<sup>217</sup>

Individual 1 noted that RV was “consistently late on things often, whether it was deadlines or it was meetings” and that they had joked together that she was “chronically late. It's kind of like a joke that her and I would laugh about, but it was no secret that [RV] knew that I knew that she was late. She's just a person. Some people are like that. They're just late to things. That was all in the background of what kind of led up to the whole incident.”<sup>218</sup> Individual 1 noted RV's high qualifications and experience in her background, and that he had asked her to be in a director/producer role for the video filming, but also described her as “nitpicky,” required a lot of communication, and would sometimes get triggered and he would have to explain himself.<sup>219</sup>

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<sup>213</sup> *Id.* at 28, 50.

<sup>214</sup> *Id.* at 29.

<sup>215</sup> *Id.* at 31.

<sup>216</sup> “I surprised my wife for her 30th on a surprise trip.... So I was gone for a week. But also [a contractor] gave me a schedule of things to post. I didn't meet all of them. There was something I just totally forgot to do or I just didn't do them. So partly the debrief was like, Hey, I did give you this content calendar. I'm like, yeah, that's a really good point. I definitely missed some of that. But then we talked about too, just how hard it is. Frankly, it's hard to fundraise anywhere, let alone on Instagram.” *Id.* at 31-32.

<sup>217</sup> *Id.* at 51.

<sup>218</sup> *Id.* at 52.

<sup>219</sup> *Id.* at 49, 50, 51, 52. Individual 1 described one conversation: “[W]e were talking about the organization, big picture. I was like ... I don't want this to become some big huge organization where tons of people and tons of bureaucracy, because sometimes red tape can get in the way of making great content, and it's a lot easier to have a small team be really effective, especially for social media.... And I think a week later, she mentioned how me saying the word red tape was really, it was a red flag to her. I was like, it was, I'm, again, I don't know what to say to that besides, I'm so sorry. I didn't mean to invoke any kind of imagery. I was just saying when you're making content, it's easier to have a really small team that knows what to do than having a huge bureaucracy of an organization to get something done. That's all I was trying to say. I would reaffirm her, you're not red tape. I love working with you. I had rather us work together really well than have five people in the same kitchen. So there were just moments like that where I would say something like that, as innocent as that in my mind, and it would get, I found out later, maybe a week or two later, no, that wasn't okay.” *Id.* at 52.

Although RV was provided with a rental car and was staying separately at an Airbnb, Individual 1 requested that she ride with him to the video shoot: "I'm like, Hey, just come with me. We'll drive together. We'll drive back."<sup>220</sup> When asked by GRACE investigators why he wanted RV to ride with him, Individual 1 at first responded: "Oh, just so we can talk about the shoot and kind of get on the same page and just save the, yeah, it was more just for that. Hey, you and also we're friends.... We're friends. Just hop in. She's been in the car with me many times and vice versa."<sup>221</sup> When questioned further later in the interview, Individual 1 admitted that RV offered to drive separately and meet him at the shoot, but that his real reasoning differed from what he first stated:

I didn't trust her to be there on time. I was thinking, what if she gets lost, but it makes the wrong turn? Cause that could be a very foreseeable thing. So I just wanted her to go with me so we could just get there and get there together. So I didn't have to wait even longer for her to be like, oh, I made a wrong turn. The gp, because a lot of times with [RV] with meetings, there was always an excuse for why she was late. My dog vomited on the carpet. My laptop battery died. I got an emergency call. So I just wanted to get my head on. I just want to minimize all those potential scenarios and just say, it's all good. Hop in the car, we'll get right to work. Let's just go. That was the honest reason.<sup>222</sup>

Individual 1 described that he and RV had been working on the script together prior to the trip, but on the first day of shooting, they both realized it was not in the place it was supposed to be and needed a lot of work.<sup>223</sup> He described "the plan was [for RV] to double work on it late that night. She'll work on it in the morning. She'll meet me at my house at 11:30" (since Individual 1 had a regular meeting that morning).<sup>224</sup> He described the events thereafter:

She texted me around like 11:30 ish, 11:20 ish kind of vibe and was like, Hey, I'm going to need 15 more minutes. I'm still working on this script. So in my head I'm like, okay. I'm like, I'm not thrilled because [RV] knows that this is time sensitive. [RV] knows that. She knows that she's late to things. It's a thing that she's aware of. 15 minutes isn't great, not the worst. So I'm just like, okay, sounds good. My head, I'm like, okay, hopefully she'll be here on time, but can leave 15 minutes. I'm just doing all the math of like, okay, here's what we got to be. So long story short, [RV] gets to my house, I think at like 12:05, 12:07, and she texted me, I think at like 12:50 [sic].

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<sup>220</sup> *Id.* at 52.

<sup>221</sup> *Id.*

<sup>222</sup> *Id.* at 58.

<sup>223</sup> *Id.* at 54.

<sup>224</sup> *Id.*

So I'm waiting for 11:45 to come up, no message. I get a text at 11:50 and she said something in her audio message. She goes, and I can play it. She's like, Hey, I know you probably want to rip my head off. I'm in my head. I'm thinking, when have I ever communicated in my life to you that I would never use that language? I don't know. I'm like, no. Anyway, it was just a really weird message. I'm like, I don't know why you would think that because, but okay. So I'm like, it's all good. Just get here when you can. She gets in the car, and now I definitely am like, I'm not thrilled. I'm like, we're going to be close to an hour late now because it's like 12:07, [unintelligible] in my car, 35, 40 minutes. By the time we get there. I'm like, oh my gosh. So I'm thinking to myself, okay, what's the best way to handle this? Obviously I'm frustrated.<sup>225</sup>

Individual 1 claimed that they exchanged pleasantries when RV arrived, and asserted that although he was not his normal happy self, he “definitely wasn’t ignoring her” or “giving her the stone cold, silent treatment.”<sup>226</sup> He states that her lack of speaking about her lateness made him “even more frustrated,” stating “I'm like, can you just acknowledge that you're really late to a very important shoot?”<sup>227</sup>

He described his thought process in the car as, “I'm thinking to myself, what's the best way to kind of express this to [RV]? Because I want to be, I don't want to say something I regret, but we have to have a conversation. I have to have this conversation about how her being this late is just not really okay.”<sup>228</sup>

Individual 1 acknowledged that RV was late that day due to her working on the TNE project and denied that his frustration or anger was an outsized reaction to RV's lateness, emphasizing that he did not scream or yell, but was instead was holding someone to a reasonable expectation of meeting a deadline they agreed to who had a “pattern of being late, always, not always, often having an excuse for something, and then being that late to a really important day on set.”<sup>229</sup> He said, “what matters to me more than anything is communication,” and noted that although he sometimes couldn't meet deadlines, he tries to be consistent or otherwise communicate about it.<sup>230</sup>

Individual 1 noted that as they progressed on the drive to the video shoot, there was a specific red light on the drive:

“So there's a guy in the red light. He's not turning. So I'm beeping the horn, which I would do no matter who was in the car with me, no matter. I do it all the time, and I get beat [sic] at all the time at that red light. So I'm beeping

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<sup>225</sup> *Id.* at 54-55.

<sup>226</sup> *Id.* at 55.

<sup>227</sup> *Id.*

<sup>228</sup> *Id.*

<sup>229</sup> Individual 1 Tr. #2 at 5. Individual 1 gave additional examples of where RV was late on deadlines, would say she'd have something done in X period of time and it would be much later. *Id.* at 6.

<sup>230</sup> *Id.* at 6.

the horn. I'm like, come on, you got to move. I'm pretty sure I cursed again. That's just how I am in the car anyway. I wasn't screaming. I was like, ah, this guy's going to fucking move. Something like that. I'm just being me. I wasn't angry. I wasn't irate, especially at [RV]. I was just getting to where we had to be, and it's just a very typical place to be. So we're driving. We're driving, and I'm quiet. She gets her laptop out, starts working on the laptop....<sup>231</sup>

In response to questions, Individual 1 stated that he believed RV took out her laptop after he beeped at the car and made the right turn at the red light.<sup>232</sup>

Individual 1 admitted that the issue of whether or not he was driving too aggressively "is a very disputed point" as between him and RV, but that he tends to drive on the more aggressive side although he did not feel like he drove any differently on that day than typically.<sup>233</sup> He denied any recollection of cutting anyone off and pointed out that he's never been in an accident and has a "clean record."<sup>234</sup> He later admitted that he got "many" tickets for speeding when he was younger but none in the last eight years or so and never for reckless driving.<sup>235</sup>

He admitted he was likely speeding but that it was typical for drivers on that road and denied endangering himself or RV.<sup>236</sup> He said there was a "good chance" he raised his voice at the other driver at the red light, but did not scream.<sup>237</sup> He also alleged that he and RV have previously discussed that they curse at other drivers and "both have road rage at drivers" and that she had seen him do so before.<sup>238</sup>

He described that about 10-15 minutes before they arrived at their destination, he was driving and brought up her lateness:

I say, Hey, I feel like we have to talk about what happened. Is it okay if we talk about it? So I asked her for permission if we can talk about it first, and she said yes. And I just calmly explained. I said, listen, being this late really is an issue, and I feel like we've talked about this before and I feel like when you're this late, it makes me feel like you don't respect my time and I'm not sure how we navigate this because you've been [late to] things before and this is a really important day, and we just don't really have an hour to spare kind of vibe. And that's pretty much how I explained it to her. I was definitely, I wasn't screaming, I was definitely more stern, but it was real conversation. We are paying [RV] a rate to be here, and part of that is to be on time to

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<sup>231</sup> Individual 1 Tr. #1 at 55-56.

<sup>232</sup> *Id.* at 61.

<sup>233</sup> *Id.* at 59.

<sup>234</sup> *Id.*

<sup>235</sup> *Id.* at 62.

<sup>236</sup> *Id.* at 59.

<sup>237</sup> *Id.* at 61.

<sup>238</sup> *Id.*



these things. And we've talked about this before about her being on time to things. So this wasn't like the first conversation we had. So her and I go back a little bit, back and forth, pretty calm, cool, collected. We pull into the parking spot.<sup>239</sup>

He described that RV was "kind of quiet" in response and may have apologized or said that she heard him.<sup>240</sup> Individual 1 further described that when they pulled into the parking spot, her hands began to shake uncontrollably, she started to hyperventilate, and "has a legit PTSD panic attack in the car" for approximately five to seven minutes.<sup>241</sup>

Individual 1 described that he went into, "consoling her kind of mode. I offered my hand for support. I said, you can hold my hand. Trying to give her some kind of connection to a human."<sup>242</sup> He stated that RV then spoke about receiving the silent treatment as a child so his silence really upset her, and that she was working late the night before on another client.<sup>243</sup> Individual 1 described his responses, "I'm like, I'm so sorry. I didn't know that. I had no idea. I was just trying to get my thoughts together before I approached you. I don't want to say something out of anger or I don't want to say the wrong thing or make you feel upset. That's why I was quiet in the beginning. I didn't ignore it. I was just quiet."<sup>244</sup>

He stated that he suggested he could be more flexible and attempted to be empathetic, stating numerous times that he was sorry for giving her that reaction, but "to be honest, I don't know exactly what I did or said in that moment because from my mind, she was really late. I was pretty quiet. I had a pretty calm, cool discussion about her being late and how that sorted up. And then she has this panic attack and I'm like, oh my God, what did I miss?"<sup>245</sup> He said after they stepped out of the car, they hugged, and when he asked how she was, she said she was okay but embarrassed and he reassured her that he had also had panic attacks before and there was nothing to be embarrassed about.<sup>246</sup> He stated that he asked her several more times that day and the next how she was feeling and apologized to her more that he "gave you this reaction."<sup>247</sup>

Individual 1 described his emotions as "frustrated" but not angry since to him, "angry is screaming. It's cursing. It's like, it's rage to me, frustration is like I'm frustrated. I'm not happy that we're in this situation, but we have to find a way to navigate it."<sup>248</sup>

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<sup>239</sup> *Id.* at 56.

<sup>240</sup> *Id.*

<sup>241</sup> *Id.* at 56, 63.

<sup>242</sup> *Id.* at 56.

<sup>243</sup> *Id.*

<sup>244</sup> *Id.*

<sup>245</sup> *Id.*1 at 56-57.

<sup>246</sup> *Id.* at 57.

<sup>247</sup> *Id.* at 65.

<sup>248</sup> *Id.* at 57.

When asked about his driving the day before and the day after, Individual 1 admitted that on each day, he and RV also rode together and drove the same route.<sup>249</sup> He admitted that, “subconsciously knowing that I’m almost an hour late to a very important shoot, there’s a chance I could have been driving a little bit faster.”<sup>250</sup>

## 5. After the Alleged Driving Incident

Individual 1 alleged that the following evening, at dinner with two other persons, RV joked that Individual 1 was an aggressive driver and so was she.<sup>251</sup> He described that later that week, they spoke again about him trying to be better about “the time thing” and her trying to be more on time.<sup>252</sup> Individual 1 described that over the next few weeks their interaction was, “She’s texting me, Hey, I really appreciate you doing dinner. Hey, tell your wife on Mother’s Day, how great. I love your family so much. It was very much like, everything is phenomenal. I love the work you’re doing. I love working with you. Thumbs up.”<sup>253</sup>

He further described that approximately three weeks later [elsewhere he confirms this was May 21, 12 days after the incident], he and RV were on their weekly Zoom call when she brought up the driving incident again:

And she goes, well, I should be honest with you. I’ve been thinking a lot about what happened in the car, and I’m thinking the car, I’m like, oh, in my head a few weeks ago. And she’s like, yeah. And she said, I just felt really unsafe with you in the car that day, and I really don’t want what happened to me to happen to anyone ever again.

And I truly, my jaw hit the floor. I was like, that’s a really big word. I heard the word unsafe. Again, I work in the deconstruction space. I’m very tuned in. I follow abuse cases. I’m aware. When I heard that, I was like, oh no, what happened? What did I miss? I mean, really, I went just to that mode of unsafe and I’m replaying the whole, you just replay the whole situation over and over again. I missed something unsafe. And so I’m trying to think about how we had this conversation with no one else to witness it. Now I’m thinking, I don’t want her to feel more unsafe. If we’re going to have this conversation, there’s no witness to hear what she’s saying versus what I’m saying. So I am like, okay. I’m like, well, what do you mean? Can you kind of break this down?

She couldn’t give me anything specific. There was no, yes, [Individual 1], when you did this. It was very vague of just like, I just felt unsafe and I just

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<sup>249</sup> *Id.* at 61, 66-67.

<sup>250</sup> *Id.* at 61.

<sup>251</sup> *Id.* at 65.

<sup>252</sup> *Id.*

<sup>253</sup> *Id.* at 68.

didn't feel good about it. And I'm like, okay. I'm like, anything I did in particular, could not give me anything specific.<sup>254</sup>

Individual 1 shared with GRACE investigators that at that time, he told RV that they needed to get the board involved, but that RV took that as if she was "in trouble."<sup>255</sup> Individual 1 described that he emphasized that the goal of bringing it to the board was so that he was accountable to someone who could review if there was wrongdoing on his part.<sup>256</sup>

On May 31, 2024, Individual 1 sent a voice memo to the TNE board describing the day of the alleged driving incident.<sup>257</sup> He noted that when RV sent an audio message letting him know she would be late, she stated, "I'm sure you want to rip my head off." Individual 1 admitted that he was "very quiet," but said they made "a little bit of small talk," he answered her questions, but otherwise "did not really engage in conversation."<sup>258</sup> He described her "legit trauma response" and that she was shaking uncontrollably, hyperventilating, weeping, and sobbing, noting that she said silence was a trigger for her because her mother did it when she was young.<sup>259</sup>

Individual 1 then described the May 21 call with RV, stating that RV had said she had never seen that side of him before.<sup>260</sup> Specifically, Individual 1 said that RV told him on that call that she "felt unsafe with me when she was driving with me, she felt like I was driving extra aggressive because I was angry or frustrated. And she felt unsafe with me in the car and she doesn't want that to ever happen again."<sup>261</sup>

Individual 1 described that RV thereafter met with two female board members and then spoke with Individual 1, saying that she felt good about the call and that Individual 1 would learn something from the situation.<sup>262</sup> Individual 1 told GRACE investigators that he was still unsure at that time what he did that brought them to that point.<sup>263</sup> Sometime after that call, Individual 1 said that RV indicated that she had felt triggered for several weeks at that point.<sup>264</sup>

Individual 1 described a call that occurred between himself, a female board member, RV and a support person, where Individual 1 apologized again for the impact he had on her and emphasized that he knew that impact mattered more than intent.<sup>265</sup> He

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<sup>254</sup> *Id.*

<sup>255</sup> *Id.* at 69.

<sup>256</sup> *Id.*

<sup>257</sup> Individual 1 voice memo to TNE Board, 5/31/2024.

<sup>258</sup> *Id.*

<sup>259</sup> *Id.*

<sup>260</sup> *Id.*

<sup>261</sup> *Id.*

<sup>262</sup> Individual 1 Tr. #1 at 69.

<sup>263</sup> *Id.*

<sup>264</sup> *Id.* at 70.

<sup>265</sup> *Id.* at 74. Notes from the conversation taken by another party express that Individual 1 "started by saying he was truly sorry for the impact he caused that clearly created harm. He said impact is more important than

described that RV and her support person both accepted the apology and stated something to the effect that they'd all work through it together.<sup>266</sup> Individual 1 suggested RV take some paid time off and that they'd work on rebuilding once she returned.<sup>267</sup>

In late June [recording provided by Individual 1 is dated 6/25/2024] when Individual 1 acknowledged asking RV to focus on pulling b-roll clips for the documentary, he contextualized it with:

until we're done with this project, I just want to make sure that I have someone else who's really babying it because I can only give so much during my day. So that was for me, the big thing for you was I just need you to be really mentally checked into that one thing. For now, everything else is kind of rolling. We're doing fine, things are growing, so I don't need [your] magic on those things right this second. I need [you] on this thing, so it becomes the best version of what we want it to be.<sup>268</sup>

Individual 1 then described a call that lasted approximately 90 minutes that occurred a week or two later [recording provided by Individual 1 is dated 7/2/2024], where he said RV mentioned that she didn't feel like he was putting in the work to repair their relationship.<sup>269</sup> He said that RV noted that the relationship felt different but he emphasized that he was very busy personally with activities outside of TNE, that they had a process in place for her work flow, and she had a to do list.<sup>270</sup>

Individual 1 admitted that their relationship had changed at this point at least partially due to him not knowing how to interact with someone who felt like he had really hurt them and him trying to figure out how to repair it.<sup>271</sup>

At that point, he said he let the board know that he felt mediation was the next needed step.<sup>272</sup> Individual 1 said he thought of Mediator who understood trauma and he had known from her appearance on the podcast twice.<sup>273</sup> Specifically, texts between Individual 1 and BM1 show Individual 1 suggesting Mediator as "a good candidate," noting that he talks to her "often," suggesting that he can reach out to her, and then in the next text, confirming that Mediator can indeed do it.<sup>274</sup>

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intent. He said he was sincerely sorry and wanted to do better as we move forward." Notes of 4/12/2024 conversation between BM1, BM2, Individual 1, RV, and RV support person.

<sup>266</sup> Individual 1 Tr. #1 at 74.

<sup>267</sup> *Id.*

<sup>268</sup> Recording of 6/25/2024 call between RV and Individual 1. Notably, RV was not aware that this call was being recorded at the time and only learned of the existence of a recording from this investigation.

<sup>269</sup> Individual 1 Tr. #1 at 75.

<sup>270</sup> *Id.* at 77.

<sup>271</sup> *Id.*

<sup>272</sup> *Id.* at 75-76.

<sup>273</sup> *Id.* at 78.

<sup>274</sup> Text exchanges between Individual 1 and BM1, 7/3/2024.

Individual 1 could not remember if he spoke to Mediator first or RV, but when he did speak to RV, he said he disclosed that Mediator had been on the podcast twice, was trauma informed, and RV was happy with the choice and the decision to do mediation.<sup>275</sup> Individual 1 said that when he proposed the idea to Mediator, he only described that he was having a conflict with a contractor and asked Mediator if she had performed mediation in situations like this previously and she confirmed that she had.<sup>276</sup>

Mediator described that in the mediation, Individual 1 admitted that he was “pretty perturbed” and “frustrated” about RV’s lateness that day even though he admitted that “he was definitely appreciative and said that the scripts were way better after she had done” the work she did overnight and that morning.<sup>277</sup> Mediator said that RV also had to get some work done for another client, so between that and the needed work on the script, she was up late into the night and then worked in the morning, contributing to the lateness.<sup>278</sup>

Individual 1 described that RV went first in describing the driving incident and fallout and that they,

agreed, I got to say on 90, 95% of the situation, as far as I can tell, there might've been some debate over the aggressive reckless driving thing, but I said, listen, I get it. I'm an aggressive driver. I'm not going to take that away from [RV], but I don't think I was driving any differently. That seems to be the most debated fact of the whole story between [RV] and I.<sup>279</sup>

Individual 1 specifically noted that RV mentioned that he had been honking at the guy in front of him at the red light, that she felt very unsafe, and how aggressive he was driving.<sup>280</sup> Individual 1 said he asked what he actually did that made her feel unsafe and she also mentioned his body size and presence in the car.<sup>281</sup>

When asked by GRACE investigators why RV might have felt unsafe that day but not the day before or the day after in the same car with him on the same route, Individual 1 replied:

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<sup>275</sup> Individual 1 Tr. #1 at 79.

<sup>276</sup> *Id.* at 78. In an email from Mediator to Individual 1 alone, dated 7/3/2024, Mediator acknowledges that Mediator was “get[ting] back to [Individual 1] regarding getting something set up for mediation,” detailed the hourly rate, and proposed possible times.

<sup>277</sup> Mediator Tr. at 23, 24.

<sup>278</sup> *Id.* at 24.

<sup>279</sup> Individual 1 Tr. #1 at 80.

<sup>280</sup> *Id.*

<sup>281</sup> *Id.* at 81. In a later interview with GRACE investigators, Individual 1 alleged that RV did not mention his aggressive driving, “I found out about the driving accusation kind of through the grapevine with the board later on, but it was never brought to me directly with [RV], so I just want to put that out there as well.” Individual 1 Tr. #2 at 3. This is inconsistent with Individual 1’s audio statement to the TNE board on 5/31/2024 where he described the 5/22/2024 conversation, “And she said that she felt unsafe with me when she was driving with me, she felt like I was driving extra aggressive because I was angry or frustrated. And she felt unsafe with me in the car and she doesn't want that to ever happen again.” Individual 1 voice memo to TNE Board, 5/31/2024.

My best guess is that me being more quiet in the car caused her to get really anxious because of what she said her mom did to her as a child, which caused her to be really aware of all her surroundings, which amplified everything that happened in that car significantly, including my driving behavior. That's the best way I can make sense of it, that she got really anxious and really panicking. And then my driving just only added fuel without fire. And then when I had the conversation with her, it just kind of all came down.

Individual 1 then had a private follow-up conversation with Mediator that each of him and RV were initially expected to have.<sup>282</sup> Mediator relayed that during that conversation, Individual 1 said that RV had a pattern of missing deadlines, violating his boundaries like calling him late in the evening and staying on the phone longer than when he indicated needing to end the call, although Mediator also said Individual 1 admitted that he had not really set the boundaries because he had engaged in a friendship alongside the professional relationship, had answered the phone calls, etc.<sup>283</sup>

The same day that Individual 1 had his private session with Mediator, RV communicated to Individual 1 that she felt unsafe in the mediation and that because a podcast episode of Individual 1 and Mediator was released the morning of the mediation, it made RV very uncomfortable.<sup>284</sup> Individual 1 referred to it as “a really bad optic thing” but noted that it had been recorded months earlier and that RV knew Mediator had been on the podcast.<sup>285</sup> Individual 1 described the interaction with RV as RV noting, “I feel like you and [Mediator] had a personal relationship, and I just feel like I talked to some mediator friends of mine, and it felt like she went out of order. And I'm just like, at this point, I'm just really at a loss. And I'm like, well, [RV], can you also understand that I did communicate those things ahead of time and that you said, that's cool. I'm cool with it. I trust you, and I'm just trying to figure out the best way forward here.”<sup>286</sup>

When asked whether he regretted selecting Mediator, Individual 1 said he did not because he thought he was making a good decision based on her being a woman and trauma informed and that RV had agreed to her knowing she had been on the podcast.<sup>287</sup> When pressed about the podcast episode coming out that day, Individual 1 referred to it as “not a good look”, that the “optics” weren't good, and that he regretted that, but defended himself in that it was recorded months prior.<sup>288</sup>

Individual 1 described that at this point, the board stepped in and said something to the effect: “We're going to separate you two and start kind of navigating all of this.... And

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<sup>282</sup> Individual 1 Tr. #1 at 83.

<sup>283</sup> Mediator Tr. at 16, 33.

<sup>284</sup> Individual 1 Tr. #1 at 83.

<sup>285</sup> *Id.* at 82-83.

<sup>286</sup> *Id.* at 83.

<sup>287</sup> Individual 1 Tr. #2 at 8-9.

<sup>288</sup> *Id.* at 9.

that's when they really step in, and I really kept in the dark pretty much at that point."<sup>289</sup> He admitted that he did not see it as warranting an investigation but understood it was the board's decision.<sup>290</sup>

After RV and W1 submitted their resignations, messages among the TNE board members and Individual 1 included Individual 1 participating in conversations about how the board should interact regarding a filed grievance, resignations related to that grievance, and this GRACE investigation.<sup>291</sup> For example, Individual 1 suggested specific changes to email language and his own recommended language to multiple emails, noted his lack of confidence in an individual's abilities to follow through on their contract, his skepticism in their ability to professionally transition their work, commented on certain possible procedures related to this investigation, made recommendations about communications with RV and W1, characterized the underlying allegations in his favor as "given how big this situation has become and how far it's strayed from the original situation,"<sup>292</sup>

Board members accepted some of Individual 1's suggestions and arguments, commented in ways that expressed skepticism of the allegations and response of RV and W1, aligning with Individual 1, discussed with Individual 1 who would respond and how, posted communications from RV and W1 within the chat, and discussed attempts to manage RV and W1's responses to their communication.<sup>293</sup>

Individual 1 recommended that RV and W1 be removed from the TNE Facebook group, indicating that he felt "very strongly about this."<sup>294</sup> The board disagreed and they were not removed.<sup>295</sup> Individual 1 was insistent about removing access to TNE assets for RV and W1, arguing over semantics of language about whether "by the end of this week" meant anytime before then or at the end of the week.<sup>296</sup> Individual 1 soon after admitted that he had already changed the passwords and removed access of RV and W1, explaining that he had spoken to a board member the day before and that Individual 1 interpreted it as allowing him to do so once the board had sent a particular email.<sup>297</sup> That board member stated that Individual 1 was "misremembering" that conversation.<sup>298</sup>

When asked about him revoking access to platforms after the resignation of RV and W1, Individual 1 admitted that he "pulled the trigger too soon," alleged that there was a

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<sup>289</sup> Individual 1 Tr. #1 at 83.

<sup>290</sup> *Id.* at 84.

<sup>291</sup> Slack messages between TNE Board and Individual 1, 9/3/2024.

<sup>292</sup> *Id.*

<sup>293</sup> *Id.*

<sup>294</sup> *Id.*

<sup>295</sup> *Id.*

<sup>296</sup> *Id.*

<sup>297</sup> *Id.*

<sup>298</sup> *Id.*: "[Individual 1] we did talk about removing access on Thursday night after hours, and not the moment we sent out the email. You are misremembering that."

miscommunication between him and the board members, and also explained that he was nervous about them having access to donor stories, that he “was afraid that they would potentially try and I don’t know, this is probably me acting out of fear, frankly, just thinking worst case scenario.”<sup>299</sup>

When asked if he perceived a power differential between himself and RV, Individual 1 first noted that he gave her a lot of collaborative power, but understood, “yes, of course it’s power differential. I’m the one in charge. I’m the one. We go to the organization. I get that in practice, it did not up until this, it never was expressed that way. We were always, it felt very equal, even though on paper it wasn’t. And so I think that there were just a lot of these things that came to the surface when the whole situation came up.”<sup>300</sup>

Individual 1 noted that he sees his strengths as his honesty, integrity, and collaboration, and that he struggles with his fear, last minute changes, disorganization, impatience, and not being the clearest communicator.<sup>301</sup> He admitted that he can exaggerate, but that he tries to be as factual as possible and not lie.<sup>302</sup>

When asked if he could admit that he was driving recklessly that day, Individual 1 said he would be willing to but he doesn’t believe that he was, specifically:

I don’t know if I would be able to say objectively, [Individual 1], you were driving recklessly. I felt like I was driving my normal self, but this is a very subjective thing. How we drive is different. Maybe my emotions did influence me. I don’t know. I can’t prove that there’s no scientific method we can do that objectively proves that I was or wasn’t. But I have no problem admitting to [RV] that yes, I should have been more thoughtful in the car about my actions. At the same time, one thing that’s been very difficult for me, if I’m just being honest with you, is that [RV] is a paid contractor. Being on time is not a crazy expectation.

And it’s been frustrating that to this day, [RV] has never been able to admit I got to be more on time. That has never come up in the conversation and I never wanted to bring it up. At this point, it wasn’t even about that. But I don’t think it’s unreasonable to have a conversation with a contractor who’s routinely late to things be like, Hey, you got to be on time with stuff. So I would hope for that kind of both end of, you know what, [RV], maybe I didn’t see it and I can do better. I’m so sorry. [RV] goes, [Individual 1], I got to be more on time. It’s not fair to you. It’s not fair to anyone else. You’re paying me. I want to get better. That part of the conversation never came up.<sup>303</sup>

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<sup>299</sup> Individual 1 Tr. #1 at 85.

<sup>300</sup> *Id.*

<sup>301</sup> *Id.* at 85-86.

<sup>302</sup> *Id.* at 88-89.

<sup>303</sup> *Id.* at 94.



He admitted that it was possible both that he was driving faster than normal<sup>304</sup> and that his emotions could have affected his driving.<sup>305</sup> Individual 1 also emphasized that he was not alleging that RV was lying: “I don't want to make [RV] seem like she's lying. I don't think that she is. But why this developed later on is my only thought is maybe in me asking her a lot, like, Hey, what did I do and what could I have done better?”<sup>306</sup>

When asked what he might have done differently if given the opportunity, Individual 1 noted two things: (1) he would have brought in the entire board sooner and leaned on them to lead the process instead of trying to manage it himself, and (2) would not have released the podcast episode featuring Mediator on the day of the mediation with RV.<sup>307</sup>

## C. TNE’s Knowledge and Response to Allegations

According to witnesses, members of the TNE board first learned of any portion of RV’s allegations from Individual 1’s audio message on 5/31/2024. Below is a timeline of events that is seemingly undisputed among the witnesses.

Timeline:

5/9/24	Driving Incident
5/21/24	RV and Individual 1 call where RV brings up the driving incident
5/28/24	W1 reaches out to BM1 and BM2 to set up call with RV and W1
5/31/24	Individual 1 first statement to board via audio
6/3/24	Call between RV, W1, BM1, and BM2
6/11/24	RV communicates to BM1 and BM2 what she needs to hear from Individual 1 and BM1 communicates that to Individual 1
6/12/24	Call between RV, Individual 1, and BM1 where Individual 1 apologizes for the impact on her, for scaring her, for the silence, but not specifically admitting anything or apologizing for the driving <sup>308</sup>
6/12/24	Individual 1 reaches out to BM1 and they debrief after call
6/25/24	Call between RV and Individual 1 where Individual 1 assigns b roll clips
7/2/24	Extended video call between RV and Individual 1
7/3/24	Individual 1 suggests Mediator to BM1, coordinates mediation with Mediator, and communicates to BM1 and RV

<sup>304</sup> “Maybe the most charitable thing I can say is because we were late, maybe I was driving a little bit faster than usual, but it doesn't feel that way to me thinking about it.” Individual 1 Tr. #2 at 4.

<sup>305</sup> “I felt like I was driving my normal self, but this is a very subjective thing. How we drive is different. Maybe my emotions did influence me. I don't know. I can't prove that there's no scientific method we can do that objectively proves that I was or wasn't. But I have no problem admitting to [RV] that yes, I should have been more thoughtful in the car about my actions.” Individual 1 Tr. #1 at 94.

<sup>306</sup> Individual 1 Tr. #2 at 4.

<sup>307</sup> *Id.* at 10-11.

<sup>308</sup> BM1 Tr. at 13.

- 7/3/24 W1 emails Individual 1
- 7/10/24 Mediation
- 7/19/24 Individual 1 meets individually with Mediator
- 7/19/24 RV emails Mediator to decline further mediation
- 7/19/24 RV calls Individual 1 to request new mediator
- 7/19/24 RV emails BM1 and BM2 for help
- 7/20/24 Mediator emails summary of mediation to TNE board<sup>309</sup>
- 7/21/24 Board member 3 calls RV
- 7/24/24 Grievances submitted by RV and W1
- 7/28/24 Board meets to review grievance
- 7/29/24 Board responds to grievance, apologizes for choice of Mediator
- 7/30/24 Board member 3 meets with RV and W1
- 7/30/24 W1 asks Board Member 3 (hereinafter “BM3”) for board to acknowledge Individual 1’s culpability beyond choice of mediator
- 7/31/24 RV emails BM3
- 8/1/24 BM3 emails RV that they are in training and will get back to her
- 8/8/24 Zoom call between RV, W1, and BM3
- 8/12/24 Board Member 6 (hereinafter “BM6”) communicates to Individual 1 that they are considering an investigation with GRACE and are putting RV on a lower monthly retainer with no work
- 8/27/24 TNE signs contract with GRACE
- 9/3/24 Zoom call between RV, W1, and BM3
- 9/3/24 RV submits resignation, to be effective 9/13/24
- 9/3/24 W1 submits resignation, to be effective 9/10/24
- 9/3/24 Board Member 4 (hereinafter “BM4”) emails W1, notifies her of GRACE investigation, “Thank you (and RV) for holding us accountable and my sincere apologies that it had to come to this.”
- 9/3/24 BM3 notifies Individual 1 of RV and W1 resignations
- 9/4/24 BM3 tells W1 that Individual 1 was notified of resignations
- 9/4/24 Board Member 5 (hereinafter “BM5”) emails RV and W1 noting that access will be removed by the end of the week (Friday is 9/6)
- 9/5/24 RV emails that she may not have things completed by 9/6 and was contemplating until 9/13 as she stated in her resignation
- 9/5/24 W1 emails that she needs until 9/10 to complete transition
- 9/5/24 Individual 1 removes access for RV and W1
- 9/5/24 RV emails BM3, noting “a few shifts in interactions from mutual associates of [Individual 1] and I. I had a work opportunity from one connection that immediately went dark after everything transpired. It’s concerning to consider any further negative impact on my career, business, and

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<sup>309</sup> According to RV, she never received a copy of this summary. It was unclear from the interactions who should have received such a summary, given that Individual 1 effectively engaged Mediator, but whether that was in his role as a party to the mediation or on behalf of TNE, it is unclear.

relationships. Please ask [Individual 1] and the board to use discretion in how my departure is discussed with others.”

9/5/24 W1 emails BM3 and BM4, noting loss of access for her and RV.

### **Notable events in the timeline:**

In setting up the 6/3/2024 call, RV requested of BM1 and BM2 that the “meeting and its content is kept confidential at this point.”<sup>310</sup>

At RV’s first call with two board members on 6/3/2024, according to notes taken by TNE board member, RV described that in the car “the silence was deafening,” that Individual 1 was driving aggressively (cussing and honking the horn), that she had not seen him drive this way before, and that she felt very unsafe and had a panic attack. One board member described that RV and W1 also mentioned “all of these other issues we’ve been having with [Individual 1].”<sup>311</sup> RV and W1 described their reasons for bringing up the issues: “They want to make sure that there are fail safes for accountability because minor things that go unaddressed can turn into big things and get out of control. She would like to find constructive ways to help [Individual 1] grow as a leader.”<sup>312</sup>

RV indicated to BM1 and BM2 on 6/11/24 that what she needed to hear from Individual 1 on their call the next day was: “I am sorry, I crossed a line, it did harm, I will make sure it doesn’t happen again to me or anyone. It was rage driving” with RV also noting also that “it can’t happen again. I’ve never experienced that before.”<sup>313</sup>

When it appeared that mediation would be the next step, in conversations with at least one board member, it was Individual 1 who suggested Mediator specifically, noted that he talks to Mediator “often,” offered to reach out to Mediator, to which the board member agreed, and confirmed Mediator could do it soon after.<sup>314</sup> It does not appear that anyone on the board approached or spoke with Mediator prior to mediation, about the appropriateness of mediation for these circumstances, the process, any conflicts, etc., but it was instead left to Individual 1, an interested party.<sup>315</sup>

In their email to RV and W1 responding to the grievance, the Board did acknowledge that selecting Mediator was a “misstep” and they apologized “that the personal and professional relationship between [Individual 1 and Mediator] caused more distress for you.”

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<sup>310</sup> RV email to W1, BM1, BM2, dated 5/28/2024.

<sup>311</sup> BM2 Tr. at 9. The board member described it as an airing of grievances without filing a grievance. Although the timing was not clear, the board had initiated making sure Individual 1 had a therapist, a coach, and a new hire coming up to take some of his load. *Id.* at 9. According to TNE, at this meeting RV said she did not need an apology from Individual 1.

<sup>312</sup> Notes by BM1 of 6/3/2024 meeting.

<sup>313</sup> Notes of 6/11/2024 conversation between BM1, BM2, RV and W1.

<sup>314</sup> BM1 Tr. at 14-15.

<sup>315</sup> *Id.*

On the 8/8/2024 call with BM3, BM3 summarized RV and W1's description of systemic issues as:

- “1. There was a lot of questioning of the victim.
2. There was no accountability from [Individual 1].
3. No checks or balances in the organization.
4. No one reached out from the organization.
5. Conversations with [Individual 1] continue to be aggressive.
6. BM1's "out of office response" was very triggering for RV.
7. This is all opposite of what other leaders are called to by [Individual 1].
8. No oversight of his content. Nothing was run by [RV] in the last few months
9. The “porn post” was problematic.
10. Thought through strategy is missing.
- 11 [Individual 1] really doesn't want to run up [sic] nonprofit, he wishes he was just an influencer.
12. [Individual 1] telling [RV] not to talk about the incident to anyone.
- 13 pulling work off of [RV], which feels like retaliation.
1. [sic] We're talking about hiring an employee why not use [RV and W1] more. They feel like it's not needed at this point.
2. Not comfortable with input from others.
3. There needs to be a plan for repair and ongoing accountability.”<sup>316</sup>

As a result of these conversations, BM1 thought they should wait to post a job posting, but Individual 1 had already done so.

The Slack communication channel among the board members and Individual 1 shows relevant discussions related to the grievances and resignations of RV and W1, although the board also had a board-only Slack channel.

On 8/27/2024, W1 refused to have a 1:1 call with Individual 1 while her grievance was outstanding, which Individual 1 then discussed with board members that it was difficult for him to work with W1 if they could not have calls. In response to a board member's question, Individual 1 noted that there was a grievance “signed” by both RV and W1, indicating that he was aware of it.

After BM3 met with RV and W1 on 9/3/24 and was notified of their resignations, their resignations were posted in the chat and board members and Individual 1 worked on drafts of email responses to them which included that their access to TNE resources and assets would be disconnected by the end of the week. Individual 1 gave feedback and recommended language in accepting the resignations that also including the end of week disconnection language. Their status as contractors was emphasized repeatedly, although the end of the relationship was always referred to as “resignations.”

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<sup>316</sup> TNE Board Slack channel (quoted).

Individual 1 then further recommended that “no one on this board to have any contact” with W1 or RV given the GRACE investigation and “how big this situation has become and how far it's strayed from the original situation, I think it's best that we all refrain from engaging with them directly.”

One board member suggested that RV and W1 “are enmeshed/sharing a trauma bond” and thus communication to them should be the same.

There was also discussion about RV and W1 being in the TNE Facebook group with Individual 1 advocating that they be removed but several board members stating that removing them from the Facebook group would likely cause more problems. Individual 1 further stated,

I'm sorry, like I just think it's unwise to keep two people in this group who have given us letters of resignation that have accused me of essentially being an abusive person with no checks and balances, no accountability and a board who is my yes men. I just think it's a recipe for disaster.... I don't believe that when they say that they don't wanna, you know, cause public scrutiny or public outcry. I do really believe and I mean, my intuition is usually right. Not always, but I do believe that's just a matter of time before, before they go some form of public and again, just read those letters closely, read them in detail. And I, I just think the writing is on the wall.

The next day, on 9/5/24 at approximately 9:00am, when RV and W1 emphasized their expectation of having longer access to their accounts to transition, Individual 1 stressed that he planned on disconnecting access no later than the end of the day that day. By only thirty minutes later, Individual 1 stated that he had already removed access and changed passwords. When BM1 pushed back that they had told RV and W1 that access would be removed by the end of the week and they didn't think this was a good move, Individual 1 responded by noting the technical, “by end of this week” language and said he removed access because there was nothing they needed from them, repeatedly emphasizing that he had discussed it with another board member.

BM1 pointed out that Individual 1 removing access “seems to reinforce the grievance point that the board is not providing meaningful oversight.” BM3 noted that they had discussed with Individual 1 about removing access that evening: “not the moment we sent out the email. You are misremembering that. But I understand your desire for a clean break. This has been dragging on.” Individual 1 noted further:

Just want to communicate that I did work with board members on this. I didn't go rogue and start doing things. Also, we need to remember that both [RV] and [W1] were contractors who resigned their positions on tuesday. an organization is allowed to remove access to internal documents and email in light of that. This is a very common occurrence in any organization. I say this because I want us to keep in mind that we are not acting immorally by telling

them "thank you for your time, we don't need anything further from you and will remove your access by end of the week". That's not wrong, immoral, abusive or anything of the sort. It's a common next step.

BM1 continued to push back, noting that:

The difference between a regular resignation and this is that they filed a grievance and we have to open mindedly investigate it. I personally think it escalated in a way that baffles me and has caused me pain. I disagree with their assertions. However the reason we are doing the investigation is to learn. I am advocating for being extra careful in every interaction with [W1 and RV]. That means we need to communicate very clearly with everyone before actions are taken in my opinion. This is very difficult because we all have so much going on and things need to be decided quickly. As hard as it is to do let's consider treating them and thinking about them as whistleblowers not trouble makers, and letting that guide our actions. I am not saying I agree with their assertions, but I see this as my responsibility as a board member.

Another board member agreed that removing them from the Facebook group would be inappropriate and that Individual 1 removing access was "a bit impulsive." The member noted that it, "falls into procedures we don't have lined up. We should have had a set deadline not just you [Individual 1] doing it immediately because you want to move on. I think giving them until Friday would have been reasonable personally."

W1 pushed back on the removal of access, stating:

This wasn't only a slap in the face to me personally, but also is a disservice to the organization and those who have to take over donor engagement and fundraising strategy without any of the plans TNE paid me to create.

I know that organizations often revoke access to team members, but again, I believe [RV] and I have shown our integrity and earned the respect of being allowed to complete our work as promised in order to leave TNE well and have some closure on all we poured into its mission.

Removal of my access early is communicating that the expertise and many unpaid hours of work I willingly contributed to TNE were not valued or respected. I'm truly sorry you both have to deal with the blowback from this situation [Individual 1] created for all of us, but didn't feel right about not communicating my interpretation of these actions.

Access was apparently restored to W1 until the time she requested – 9/10/2024, communicated to her as being due to "a lapse in communication." Both RV and W1 removed themselves from the TNE Facebook group.

TNE continued to pay RV her contracted rate through her resignation, although her specific contracted work reduced over time after the allegations emerged. The basis for her reduction in work could reasonably be seen as a combination of the difficulties she expressed in working with Individual 1, Individual 1's reduction in requesting work from RV (and given that her workflow came through him), and the emotional impact and demands of engaging on the allegations with individuals within TNE including Individual 1.

## D. Determination of Credibility of Allegations

This case involves two individuals, RV and Individual 1, that appear to be well intentioned, as well as informed about the dynamics of power, abuse, and trauma in faith communities, either from personal experience and/or through the work of TNE. Both parties at various times in the evidence or in the course of interviews with GRACE investigators stated that they did not believe the other party to be intentionally misrepresenting events that are the subject of this investigation.<sup>317</sup>

It is also undeniable that one or both parties have experienced prior trauma, which can have an impact on perceptions and traumatic responses to events, whether or not those events rise to the level of misconduct. However, despite the existence of prior trauma, this case also centers around certain basic factual discrepancies, some of which influence a determination on the credibility of one person's account over another's.

GRACE identified factual discrepancies in the accounts offered by RV and Individual 1 related to both the driving incident itself and the ensuing interactions thereafter,<sup>318</sup> specifically:

- Whether Individual 1's driving that day varied from his typical driving pattern;
- Whether Individual 1's driving was sufficiently aggressive and/or reckless that a reasonable person would have felt unsafe;
- When Individual 1 learned that RV alleged that his driving was aggressive;
- The source of RV's panic attack after the incident, as being due to alleged reckless driving or Individual 1's silence;
- The reason for RV's lateness on the day of the incident;
- Whether or not RV had ever stayed at Individual 1's home prior to the incident.

While each of the above are framed as factual discrepancies, notably, some cannot be ascertained as objective facts, such as the source of RV's panic attack in the car. They are noted here however, because they relate to the substance of the allegations and the

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<sup>317</sup> As one witness noted, "I didn't think either of them was intentionally lying, but I did hear two different stories." BM1 Tr. at 9.

<sup>318</sup> Interestingly, some board members expressed that they *did* hear factual discrepancies in the accounts of RV and Individual 1, and others expressed that they did not hear factual discrepancies. This is not necessarily surprising as they didn't all participate in the same discussions or have the same accounts given to them by the same individuals, even RV and Individual 1.

reasonableness or unreasonableness of behavior, potential accuracy in any individual's account and perception of events, and credibility on other discrepancies.

GRACE finds RV's allegation that Individual 1 was driving differently on the day in question, in such a way that was reasonably likely to induce fear in a passenger and/or that Individual 1 should have reasonably anticipated that it would induce fear in RV specifically, to be credible and to meet the evidentiary threshold of the GRACE evidentiary standard. RV1's credibility is supported by:

- The consistency of her statements about that specific aspect of her account to various witnesses,
- The uniqueness of that day versus other occasions with similar circumstances both before and after the incident,
- Accounts of other witnesses of similar emotional responses and relational dynamics of Individual 1,
- A lack of any motive to lie on the part of RV.

RV noted the significance of the event and described it as erratic driving that was frightening to her safety as early as that evening, and within the ensuing couple of weeks to another witness, admittedly to Individual 1, and to board members of TNE. Individual 1 acknowledged most of the specific details that RV described as frightening, just not to the level that would likely cause fear as RV described - being very quiet, short responses to RV, little to no conversation, speeding, honking, cussing, and raising his voice. Although RV elaborated on the details of the car ride and more specifically about what factors created fear and her difficulty in speaking up about it clearly to Individual 1 as time went on, this is quite common as someone processes a frightening or traumatic event<sup>319</sup> and does not undercut her credibility regarding the account.

One witness described RV as very reluctant to speak about the event, fearful of causing drama, and taking the blame on herself.<sup>320</sup> However, the witness described that from RV's account, "it was very, very clear to me that it was very inappropriate and that the fallout, some of the things that had happened after were also highly inappropriate. I was shocked what she was telling me."<sup>321</sup> Specifically, the witness identified as immediately troubling from RV's account: "the aggressiveness and the actual car incident of him driving erratically, cursing, honking, that kind of stuff I felt was extremely inappropriate."<sup>322</sup> Another witness who received details of the driving incident within the first few weeks

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<sup>319</sup> See, e.g., Booker et al, *Longitudinal changes in trauma narratives over the first year and associations with coping and mental health*. J Affect Disord. 2020 Jul 1;272:116-124. doi: 10.1016/j.jad.2020.04.009; Mott et al, *Change in Trauma Narratives and Perceived Recall Ability over a Course of Cognitive Processing Therapy for PTSD*, Traumatology. 2014 Dec 15;21(1):47-54. doi: 10.1037/trm0000012; van Minnen et al, *Changes in PTSD patients' narratives during prolonged exposure therapy: a replication and extension*. J Trauma Stress. 2002 Jun;15(3):255-8. doi: 10.1023/A:1015263513654.

<sup>320</sup> W1 Tr. at 6.

<sup>321</sup> *Id.*

<sup>322</sup> *Id.*



described RV's account as detail oriented and conscientious and the actions of Individual 1 in the car as "punitive."<sup>323</sup> These accounts feature consistency in how RV described both the essential details and her perception of them.

A witness also noted that RV had ridden with Individual 1 previously and that RV had described within a few weeks thereafter that "this was markedly different."<sup>324</sup> The witness confirmed that RV described her feelings in the car as Individual 1 being "aggressive" and that RV felt panic and "very, very unsafe," and was "trying to do everything she could to mitigate the situation, kind of like a kid does when their parent is mad at them or they're trying to be funny and they're trying to be helpful and that kind of stuff."<sup>325</sup>

The accounts of two other witnesses included examples of outsized negative responses by Individual 1 to either (1) typical organizational or interpersonal interaction and/or (2) Individual 1's response to others when expectations from others were not being met versus greater allowances for himself, corroborating a situation where RV could be understandably surprised and panicked by Individual 1's response as well as confused by his seeming lack of understanding/empathy.

One witness noted projects where Individual 1 had not completed his end of the work or would change his mind last minute which would affect the work,<sup>326</sup> not as a judgment of Individual 1's efficiency or priorities, but as confirmation that RV was not the only person who experienced this dynamic and that Individual 1's level of frustration or anger over RV's lateness given his own actions was overblown, much less its effect on his behavior in the car. Specifically, the witness noted that the level of Individual 1's frustration at RV's lateness, allowing it to affect his interaction and behavior, appeared outsized "because I had had many interactions with [Individual 1] where we had a meeting scheduled and he would come late or he would text me at the last minute to say, I can't make it or something like that. And so I was taken aback that he wasn't willing to give that same courtesy or grace to someone else when they had been late."<sup>327</sup> Further, the witness noted, "it struck me that [Individual 1] had created the original problem [by being late in completing his own work on the script and expecting RV to bear more of the workload, which she did] and then was kind of pushing the blame onto [RV] for her lateness. And it's not that [RV] shouldn't take accountability for being late. She did immediately, from my understanding, apologize for being late and kind of explained to him why she was late...."<sup>328</sup>

In his interview with GRACE investigators, when Individual 1 was asked about his missing deadlines, he acknowledged that he did on occasion, but then quickly reverted to noting that it is difficult to fundraise on Instagram, especially because TNE was such a small

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<sup>323</sup> Email from Witness 4, dated 2/4/2024.

<sup>324</sup> W1 Tr. at 10.

<sup>325</sup> *Id.*

<sup>326</sup> *Id.* at 8, 9.

<sup>327</sup> *Id.* at 9.

<sup>328</sup> *Id.* at 7.

organization.<sup>329</sup> Individual 1 explained missed deadlines for a particular campaign as being due to his surprising a relative with a vacation resulting in him being gone for a week.<sup>330</sup> When compared to RV being 45 minutes late due to working on a project for Individual 1 that he acknowledged benefitting from, this illustrates the dynamic witnesses noted about his willingness to offer explanations for his own failure to meet expectations, but not as equally for others.

One witness recalled both Individual 1 forgetting he had meetings, as well as RV being late to meetings.<sup>331</sup>

Another witness also described that Individual 1 had often rushed the witness, was impatient and mad if the individual was running late and could be “snippy” at times.<sup>332</sup> The witness expressed feeling “run over and dismissed” by Individual 1 after being involved with TNE for some time, noting that when they expressed unease about their role, Individual 1 said that they “blindsided” him about it,<sup>333</sup> which is the same terminology he used with RV when she again brought up the driving incident. The witness also described Individual 1 being “visibly upset” when the witness arrived late to a video meeting, describing it as:

instead of having this positive, happy go-lucky energy, it's this energy, this tone, this we're not going to have small talk in the beginning because you've already wasted the five minutes of my time, so we're going to get straight down to business. I don't have time for you to... interrupting me when I'm talking because hey, you already wasted five times. I don't have extra time for you. He wouldn't say those words, but it would be interrupting, get to the point, that kind of thing. He'd be like, uh huh, uh huh, so what you're saying is, okay, okay, okay, I got to go too. We started the call five minutes late, so dah, dah, dah, dah, that, those types of things.<sup>334</sup>

One witness described that when they first started volunteering with TNE, Individual 1 expressed gratitude, but as time wore on, it felt more like Individual 1 had expectations for them to do what he needed and, “get to it. I don't have time for this. What do you want? Or You're so lucky to have time with me. He would say constantly how busy he is. I'm like, well, me too... I'm a very busy professional. I don't feel like you respect my position and the role that I am in. You know what I mean? I'm busy too, and I'm trying to volunteer, but I just need structure and strategy from you. Help me understand where you're going.”<sup>335</sup>

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<sup>329</sup> Individual 1 Tr. #1 at 31-32.

<sup>330</sup> *Id.* In contrast, RV alleged that Individual 1 missed one particular deadline on that campaign because he chose to be followed for 24 hours by and featured on another social media account.

<sup>331</sup> BM2 Tr. at 8, 10-11.

<sup>332</sup> Call transcript, 9/2/2024, at 3, 12.

<sup>333</sup> *Id.* at 42, 56.

<sup>334</sup> W2 Tr. at 29-30.

<sup>335</sup> *Id.* at 12.

A witness described to GRACE that when another volunteer was unable to continue with TNE due to family commitments, Individual 1 “blew up at me, got mad at me” about it.<sup>336</sup> The witness described a dynamic where Individual 1 had made comments about how they wanted the individual on staff at TNE (similar to comments made to RV), but then “if I let him down in one area, it definitely... felt like it was disproportionate to the thing I was telling him.... it did feel like there was a shift from when he was always so grateful for me to being impatient or being frustrated because I am not doing something he wants me to do.... it became where he was just short and angry and snappy and critical of the most random, silly things.”<sup>337</sup>

At other times, the witness described that Individual 1’s comments made the witness question their own commitment to TNE even though they were serving completely in a volunteer capacity.<sup>338</sup>

Furthermore, RV’s consistent attempts to resolve the issues with Individual 1, her expressed and exhibited desire to not share details beyond those helpful in processing and resolving the matter, as evidenced by the testimony of multiple witnesses, and her consistently expressed desire for Individual 1’s best in her words and actions also support her credibility.

Finally, RV had no discernable motive to lie about the events or her interactions with Individual 1. In fact, given the impact on her relationships, career, and finances, it was in her best interest to dismiss and/or downplay the events, which she indeed did for a period of time. Mediator also agreed that RV had no motivation to lie and appeared to be “very honest” during the mediation.<sup>339</sup>

While Individual 1 appears well intentioned, often kind, and capable of self-reflection and ownership of his behavior in some contexts, in contrast, Individual 1’s credibility is reduced by several instances of inaccurate and/or inconsistent information in his interview with GRACE investigators and/or in documented interactions with others.

Specifically with respect to the aggressive driving allegations, Individual 1 noted in one interview with GRACE investigators that RV

never mentions my driving as being anything in the realm of, I was really scared because of how you were driving. So I just wanted to put that out there on my end of, I was thinking about when did the driving piece kind of manifest, and it was at least several months after everything happened.... I found out about the driving accusation kind of through the grapevine with

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<sup>336</sup> Call transcript, 9/2/2024, at 58-59; W2 Tr. at 22-23.

<sup>337</sup> W2 Tr. at 24-25.

<sup>338</sup> *Id.* at 24.

<sup>339</sup> Mediator Tr. at 29.

the board later on, but it was never brought to me directly with [RV], so I just want to put that out there as well.<sup>340</sup>

However, in this statement, Individual 1 directly contradicts his own audio statement to the TNE board on 5/31/2024 where he described his 5/22/2024 conversation with RV, “And she said that she felt unsafe with me when she was driving with me, she felt like I was driving extra aggressive because I was angry or frustrated. And she felt unsafe with me in the car and she doesn't want that to ever happen again.”<sup>341</sup>

Another example is where Individual 1 first suggested Mediator as the mediator to BM1, noting “I talk to [Mediator] often,”<sup>342</sup> encouraging him to reach out to her.<sup>343</sup> However, he described a more minimized relationship in his interview with GRACE investigators:

Well, I thought about [Mediator], who at that time, I talked to her through the grapevine once or twice. She was on the podcast twice, one a few months before that, and one a long time ago when she released her book, I'm thinking about, I'm like, oh, well she's, she's done a lot of great work in this space. She has her PhD. I bet she's really qualified. So I thought to myself, that could be a good candidate.... And again, we never really talked on the phone. We didn't really text a whole. I had her number again from the grapevine, but it wasn't like an ongoing like, Hey, how's it going friend? It was nothing like that.<sup>344</sup>

The inconsistent statements reflect that Individual 1 either exaggerated in his conversation with BM1<sup>345</sup> or minimized his relationship with Mediator to GRACE investigators. Either way, there was a comfort level with misrepresenting the closeness of that relationship, which combined with his admission of his tendency to exaggerate, suggest an awareness and intent.

When specifically asked, “Have you ever dealt with allegations of misconduct with anyone within TNE or related to TNE in any way?” Individual 1 responded, “Never in my life.

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<sup>340</sup> Individual 1 Tr. #2 at 3.

<sup>341</sup> Individual 1 voice memo to TNE Board, 5/31/2024.

<sup>342</sup> Individual 1's misspells Mediator's first name in two texts in this conversation, but the surrounding context all refers to Mediator and there is no other indication that he is referring to anyone other than Mediator. Individual 1 texts with BM1, dated 7/2/24.

<sup>343</sup> Individual 1 texts with BM1, dated 7/2/24.

<sup>344</sup> Individual 1 Tr. #1 at 78. Another board member, unlike BM1, expressed that Individual 1 described a limited relationship with Mediator: “I know that [Individual 1] had had a connection with [Mediator] in terms of they'd done a podcast episode, but when [Individual 1] talked to me about that, I actually did ask him in that time, is that going to work? Have you got a relationship with [Mediator]? And he said, other than that one podcast and the next one that we've got coming out soon, I haven't actually talked to, I don't.” BM6 Tr. at 14.

<sup>345</sup> In his interview with GRACE investigators, Individual 1 admitted that he had a tendency to exaggerate. “Q: Would you say that you ever exaggerate? A: Yes.” Individual 1 Tr. #1 at 88; *see also id.* at 93.

Like ever.”<sup>346</sup> GRACE investigators later learned of Individual 1 receiving allegations about three different people related to TNE - abuse allegations against a board member, allegations of deception against an intern, and abuse allegations against a speaker who would be speaking at a conference where Individual 1 was also a speaker (hereinafter referred to as, “Speaker”).

Another example includes that when asked about those who performed unpaid work for TNE, Individual 1 initially said that only included one person. It took additional questioning by GRACE investigators to identify that in fact, there was another individual, seven or eight unpaid Facebook mods, and the board members (who are not paid and are donors to TNE). One might view this simply as an oversight. However, when combined with other similar responses, it reflects a downplaying of what might be seen as an unfavorable response given Individual 1’s earlier emphasis on it being important to him to pay people for their work in contrast to the Church’s commonly alleged undercompensation or undervalue of volunteer time and talent.<sup>347</sup> Another possibility is a lack of perception or acknowledgement of these individuals’ significant contributions to TNE as an organization which reflects a devaluation compared to his own contribution for which he is paid.<sup>348</sup>

Individual 1 noted several times in his interview that the board had the final say and had authority over him.<sup>349</sup> He also noted this to W1 when she emailed him. However, in practice, there were numerous instances where Individual 1 acted as if he were the final decision maker. Further, multiple witnesses reported observable frustration on the part of Individual 1 when the board overruled him, specifically noting that while “sometimes

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<sup>346</sup> A gracious reading of the question could allow for Individual 1 assuming the investigator meant any allegations against himself. Individual 1 did not mention his misunderstanding of the question when further questions related to the three specific accounts GRACE investigators were already aware of. Even assuming Individual 1 did interpret the question as only referring to allegations against himself, the certainty of his response and denial was typical of the pattern of other concerning responses noted herein.

<sup>347</sup> Individual 1 stressed the desire not to take advantage of the labor of volunteers at other times, including in text/audio messages with RV that reflect what appears to be genuine concern on that issue. Text/audio messages between Individual 1 and RV, dated 4/7/2023. It is possible for someone to appreciate the existence of an issue while at the same time not always see ways in which it is occurring.

<sup>348</sup> Individual 1’s lack of appreciation of others’ contributions to TNE would also be consistent with him specifically taking credit that he “came up with this idea last year of Project Amplify” when RV alleged that it was a project that RV and Individual 1 created together, that RV named this project, wrote the strategy, and built the pitch presentation for it. See Individual 1 Tr. #1 at 20; RV comments to embargoed report.

<sup>349</sup> In a text to one witness, Individual 1 expressed being thankful that the board was taking more of an active role and he felt really supported. Text/audio messages between Individual 1 and Witness 1, dated 6/12/2024. While this expression seems genuine, a board’s active role in the operation of an organization and supporting the leader are often different functions than providing oversight and accountability of organization staff. In addition, this comment was also expressed while Individual 1 and board members were discussing the allegations made by RV and the fact that Individual 1 felt more supported by the board at this time could also reflect a lack of independence of the board regarding handling RV’s allegations, as discussed further in Section IV.C.6.

[Individual 1] is not happy about it, he's open and willing to listen to other points of view.<sup>350</sup> These included his initial video response to the abuse allegations against Speaker,<sup>351</sup> his decision to revoke access to TNE systems for RV and W1 after their resignations, his decision to post for the new job opening at TNE, and the pushback he received about his recommendation to remove RV and W1 from the TNE Facebook group (in the end, they removed themselves). This mis-alignment of his words versus his actions (or his failure to acknowledge the nuance of what he says versus the existence of what could reasonably be interpreted as contradictions) could understandably sow confusion in those working with him, similar to the issue of his initial failure to acknowledge other unpaid volunteers.

When asked multiple times, Individual 1 also flatly denied that RV had ever stayed at his home when traveling to his area to meet about TNE,<sup>352</sup> while RV and another witness confirmed that she had. Again, whether this was an oversight, forgetfulness, or an intentional misrepresentation to downplay what might be an unfavorable fact, or due to some other factor, is unknown, though it follows a pattern in other responses.

When discussing the grievance policy that TNE had put into place, Individual 1 noted, "there is a grievance kind of policy thing. I don't have any access to that. I don't see any of the grievances that come in. I don't know what board members see it. I have no idea, but I know that something is in place."<sup>353</sup> However, Individual 1 was clearly aware of the grievance submitted by RV and W1, specifically noting on the Slack channel with the board that it was "signed" by both of them, and participated in discussions, sometimes insistently, about how the board and TNE should respond to them.

When first asked about why RV was coming to ride with him when they each had a car, Individual 1 gave one innocuous answer which he later changed when asked again, admitting that the "honest reason" was that he wanted her to ride with him to make sure RV wasn't late because he didn't trust her to be on time. Again, one might consider Individual 1's initial response to be a reluctance to make RV look bad by avoiding the suggestion that she needed someone to monitor her arrival. However, his initial response obfuscated and his admitted action may have been a controlling behavior.

When talking about the pattern of RV's lateness, Individual 1 made light of it, said it was a joke that he and RV would laugh about, but that some people are just like that, they're late to things. However, his nonchalance is inconsistent with the level of frustration

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<sup>350</sup> See, e.g., BM1 Tr. at 5 (reporting observable frustration on the part of Individual 1 when the board overruled him, although noting that while "sometimes [Individual 1] is not happy about it, he's open and willing to listen to other points of view.")

<sup>351</sup> One witness noted that others "firmly spoke to him about how his response was not okay. And he was open to the feedback and very apologetic. Very apologetic." BM1 at 4. But the fact that Individual 1 had a pattern of doing his own thing, despite regularly saying that he was under the supervision of the board, is the troubling part.

<sup>352</sup> Individual 1 Tr. #1 at 25-26, 49.

<sup>353</sup> *Id.* at 32.

he admittedly exhibited on the day of the incident, even without the driving behaviors alleged by RV, and his similar frustrations as observed by others.

Similarly, Individual 1 first stressed that he'd never been in a car accident and had a "clean record" but later admitted on questioning that he received "many" speeding tickets when he was younger. The desire to burnish one's image at first, which then breaks down upon further questions suggests a subtle pattern of deception.

Individual 1 also described to Mediator that RV had violated his boundaries including by calling or texting at late hours, although his audio/text exchanges with others and the accounts of other witnesses also featured him exhibiting some of the same behaviors. The behaviors themselves are not the issue, but rather his tendency to focus on the log versus the speck.

For several reasons, GRACE gives no weight to Mediator's conclusions sent to the TNE board about the effect of RV's trauma on her memory or perception of the events. First, although the parties gave factually different accounts to Mediator - RV stating that Individual 1 drove differently and much more aggressively than at any other time and Individual 1 maintaining that it was the same, Mediator did not find this discrepancy significant, whereas GRACE finds that the degree of aggressive or erratic driving to be the crux of the allegations related to the incident itself.<sup>354</sup>

Mediator further made determinations about what Mediator believed to be the source of RV's strong reactions,<sup>355</sup> although Mediator was not RV's therapist, had never met her prior to the mediation, had never discussed her prior traumatic experiences, and the mediation was not in a therapeutic context. Prior trauma does not necessarily color one's perceptions of future events - otherwise, courts would never allow testimony from victims

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<sup>354</sup> Specifically in her email to TNE leadership, Mediator stated that there were, "virtually no disagreements about ANY of the details of what happened, from beginning to end." In Mediator's interview with GRACE investigators, Mediator described it: "[RV] thought it was more elevated than what had happened in what she had witnessed in the past. [Individual 1] thought it was the same. So I think that may have been the only point of slight disagreements in the recounting of the story." Mediator Tr. at 19. Mediator later described it as, "an event with very minor, inconsequential deep differences that don't really pertain to this story." *Id.* at 29.

<sup>355</sup> Mediator stated, "I knew as having a therapy background that given what had happened, it actually was about her trauma. *Id.* at 14. Mediator further stated: "There's a way I can conceptualize the situation because of my trauma knowledge that I'm pretty confident of what is actually happening. And I think that she is in this place of feeling safe, feeling good, and also dealing with probably a lot of her own past stuff that is coming up and coloring this situation. I say that because I've seen it in many of my clients before." *Id.* at 35. Mediator described what she believed happened as Individual 1 and RV having an emotionally corrective experience, RV turning to Individual 1, as a safe person, and becoming the villain of the story. *Id.* at 36-37. Mediator went further: "However, as is quite normal and common with many trauma survivors, there is little embodied awareness that the triggers they are feeling are coming from the past and not because they are in actual danger in the present moment. When this happens, they often project onto the "safe person" their pain, hurt, unsafety, and expectations for that person to continue saving them. I believe that this is what [RV] is, albeit subconsciously, doing to [Individual 1]. I do not think that there is anything else that [Individual 1] needs to do to rectify or repair that particular situation. Especially since [RV] is unable to articulate such." Mediator Summary Report of Individual 1 and RV mediation.

of abuse about other events or series of abuses. While it is possible that RV's prior trauma played some role in her perception or experience of the driving incident, applying GRACE's standards considered all of the other evidence of her credibility as well as any evidence of patterns of behavior on the part of Individual 1 that lent credence to RV's account.<sup>356</sup>

Further, the reasonable perception of or actual existence of a conflict of interest on the part of Mediator undercuts Mediator's assessment. While the conflict might not have risen to the level of requiring recusal from this role, it created the understandable appearance of bias given the overlap of audiences and social media engagement, the cross-promotion of professional products, frequency of conversations (according to Individual 1's initial description before engaging Mediator), and even potentially greater empathy of Mediator and Individual 1 for one another as embodying similar roles as founders, executive leaders, and public-facing personalities of organizations reaching overlapping audiences interested in deconstruction, church hurt, and trauma.<sup>357</sup>

Individual 1's prior engagement with Mediator, his initial suggestion of Mediator to BM1, his engagement with Mediator, and Mediator's failure to recognize any potential actual or perceived conflict of interest lean against giving credence to her conclusions.<sup>358</sup>

## E. Conclusion

GRACE finds that Individual 1 held significant power within TNE as the founder, executive director, sole employee, and public-facing personality and face of TNE that originally drew in RV, W1, and almost every board member. In some circles, he was viewed with almost celebrity status. RV, despite being a contractor who could theoretically contract for her value, set her rates, and walk away if she wanted, held lesser power, functioning in

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<sup>356</sup> One witness noted that although the witness wouldn't describe RV as having a motive to lie, the witness felt like the events "became bigger and bigger in [RV]'s mind" and she appeared to gain "new words to describe [the events] in her experience." BM1 Tr. at 8. This is actually a reasonable description of what can happen after experiences involving fear or trauma, with some victims not realizing the significance of events or having words to describe them for decades. RV's evolving observations about the driving incident do not undercut her credibility.

<sup>357</sup> Mediator mentioned several times how Individual 1 had checked in on RV, had "apologized many times," and that he "took ownership and responsibility," but that Mediator could not identify what Individual 1 could do to repair the situation and was concerned that RV could not identify it either. Mediator Tr. at 13-14. Mediator concluded that she didn't know anything Individual 1 could have done differently to repair, but that of course, "he could have not sworn at somebody if he was cut off," but that otherwise Mediator "was extremely impressed with [Individual 1], but also both of them, how they handled that situation." *Id.* at 48.

<sup>358</sup> After GRACE investigators interviewed Mediator for this investigation, Mediator emailed them noting the likely "overlap in the types of cases you work on with the types of clients we see" and suggesting "future collaboration or professional connection (e.g. referrals)" between Mediator's organization and GRACE. Email from Mediator to GRACE investigators, dated 11/5/2024. Mediator's failure to recognize the potential conflict of interest in her suggestion so quickly after being interviewed as a witness and a theoretical independent mediator on a case for which GRACE was performing an active investigation further underscores an underappreciation of actual or perceived conflicts of interest and their potential impact on independence in evaluating and handling interpersonal dynamics.



many ways as an employee and subordinate to Individual 1, as an unknown persona, a woman of physically smaller stature, who also received approximately  $\frac{2}{3}$  of her income from TNE, and held known prior trauma from a workplace. Her work assignments and even her ability to gain the information needed to complete her work for TNE was also controlled through Individual 1.

GRACE finds that Individual 1, as someone in a position of power within TNE, committed behavioral misconduct in two ways described in this report— the driving incident as well as his involvement in the handling of RV's complaint/grievance and RV's and W1's resignations. Contributing to these conclusions were dynamics that existed in Individual 1's management of certain day-to-day operations of TNE. This misconduct brought harm to RV, to W1 by extension, as well as to TNE.

Therefore, GRACE finds that Individual 1 committed behavioral misconduct in the form of verbal, nonverbal, and physical acts that were improper, including a lack of self-control, controlling behaviors, and holding double standards.

## F. Analysis of Allegations of Behavioral Misconduct

Although witnesses did learn about spiritual concepts from Individual 1, they expressed he did not position himself as an authority on theological issues,<sup>359</sup> and it does not appear that witnesses necessarily perceived him as being in spiritual authority over them. Witnesses were also consistent that in discussing spiritual issues, Individual 1 offered value and also empowerment for followers to understand the issues. In this way, while Individual 1 held power within TNE and publicly, it was not spiritual power in the sense of a pastor or theologian.

Individual 1 did hold power in the form of:

- legitimate power from his role as founder, executive director, sole employee, and creative director of TNE;
- expert power in his public role as a respected voice of his perspective on faith, politics, and culture;
- referent power in his role in the deconstruction and exvangelical community with some considering him a somewhat celebrity in that community;

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<sup>359</sup> See, e.g., W1 Tr. at 4: "So I began personally to look to TNE as a voice that offered me a lot of context to things that I had grown up believing in the church, and he exposed things to me that I was unaware of. I would just give a quick example of that, and I listened to a podcast episode where he outlined the three different theories on hell, what happens after death. And those were things I had never heard before. And I was really fascinated to hear that there were other theories beyond eternal conscious torment that we could consider. He brought on some experts to talk about that stuff. So even though he'd never positioned himself as a pastor or a theologian himself, he was bringing people in and having these conversations that were very helpful. And I think in that way, kind of positioning himself as an authority but not outright at claiming to be, I would say."

- reward power within TNE in terms of recommending to the board who would perform work for TNE and therefore receive funding and credit, specifically RV and the proportion of her income that came from TNE;
- coercive power to the extent that Individual 1 could offer or withdraw his private and public endorsement of others;
- charismatic power in that it was his engaging qualities that inspired almost every board member, contractor, and volunteer to offer their expertise, time, and services (at least initially) free of charge,
- informational power as the point person for the needs of TNE, including the strategy, fundraising, and upcoming content; and
- connection power in his growing alignment with other notable personalities within the deconstruction, exvangelical, trauma-informed space.

## 1. Findings of Behavioral Misconduct

Given Individual 1's levels of power within and outside of TNE, GRACE finds that two separate behaviors constitute behavioral misconduct on the part of Individual 1: (1) the driving incident with RV itself, and (2) the involvement of Individual 1 in the handling of RV's and W1's grievances and resignations.

While RV and Individual 1's accounts differed, and the perceptions of other witnesses differed about their interaction in the immediate aftermath of the driving incident, GRACE does not make a specific finding about whether such interactions constituted behavioral misconduct on the part of Individual 1. The lack of sufficient policies and procedures surrounding the proper procedures for handling such allegations, the initial expressed desire on the part of RV to handle the incident outside of a board or other official procedure, and the evolving disclosure of the specific allegations (which is not uncommon in cases of abuse or misconduct) did not specifically support such findings.

However, certain concerning patterns of behavior of Individual 1, as described by multiple witnesses and observed in interviews with GRACE investigators, while they may not constitute behavioral misconduct in themselves, contributed to the credibility determination herein and to the two specific findings of misconduct.

### a) Driving Incident

Individual 1's apparent attempt to control RV's behavior by having her ride with him was the first precipitating event of the improper conduct. Second, the level of observable and behavior-impacting frustration and/or anger by Individual 1 to RV's lateness was improper. This is due to RV's work for TNE, of which she had notified Individual 1 and by both accounts, has apologized. His observable frustration was consistent with accounts described by other witnesses. Thereafter, his shortness of tone, and driving in such a way that a reasonable person in light of the circumstances, would have felt emotionally and/or physically unsafe, was improper.

A witness described Individual 1's demeanor when speaking about a situation where the board overruled him: "And when the board and [Individual 1] were talking about this incident at the retreat, I could tell that he was very angry about it the way that I can't remember any specific things he said, but it was just his demeanor when he was talking about it. It was almost like, how dare these people try to tell me what to do kind of thing. And it just didn't sit well with me at the time."<sup>360</sup> The witness described observing "palpable anger about that situation" by Individual 1.<sup>361</sup>

One witness described Individual 1's online personality as "[v]ery warm, very approachable, very compassionate with people....He just gives off just a warm, kind, gentle energy online. And I think that that is what originally drew me to his account...."<sup>362</sup> However, the witness noticed differences in Individual 1's in-person manner: "[I]f it was like a group and he wasn't the leader of it, it looked like he was just dissociating from the meeting. He wasn't really listening, he wasn't interacting with people, he wasn't responding to anything that was being said. And I just thought that he must, because these meetings would be happening in the evening, and I thought he's just tired."<sup>363</sup>

In assessing whether Individual 1's frustrated or angry response to RV's lateness were reasonable, it is notable that both RV and Individual 1 agreed that Individual 1 had previously expressed that lateness was a big issue to him. In fact, another witness described that at the board retreat several months earlier, Individual 1 "gathered us altogether when we first got there, and he was like, punctuality is the most important thing to me, and if you show up late, it's disrespectful."<sup>364</sup> However, it's one thing for a relational issue to be important to someone, but it's quite another for that expectation to not fully align with their own behavior and for the expression of that expectation to result in others fearing their anger as a result. As a leader of an organization knowingly serving those who have been hurt in faith spaces, by faith leaders, and many of whom have experienced trauma, awareness of one's responses and extra care to exhibit the compassion, humility, and service of Jesus is reasonable and appropriate.

## **b) Involvement in the Handling of Allegations / Grievance / Resignations**

Individual 1's interactions with board members about the allegations, his arrangement of the mediation, and his involvement in attempting to manage the organization's response to the Grievance and resignations that were based on allegations against him were each improper.

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<sup>360</sup> W1 Tr. at 11.

<sup>361</sup> *Id.*

<sup>362</sup> *Id.* at 5.

<sup>363</sup> *Id.*

<sup>364</sup> *Id.* at 14.

There was a pattern of Individual 1 engaging with individual board members about his interactions with RV after both Individual 1 and certain board members had received the substance of allegations against him. For example, when Individual 1 received expressions of discomfort on the part of RV, he reached out to BM1 for input on how to respond.<sup>365</sup> After BM1 had a call with RV and W1 on 6/11/2024, BM1 reached out to Individual 1 to debrief.<sup>366</sup> Individual 1 then sent screenshotted texts from his conversations with RV to BM1.<sup>367</sup> After a call where Individual 1 apologized to RV, Individual 1 then reached out to BM1 to debrief again.<sup>368</sup> After his mediation with RV, Individual 1 personally updated at least three board members.<sup>369</sup>

These exchanges can and also appeared to compromise the independence of a board member in evaluating and responding to allegations / grievances, by creating an alignment and greater empathy toward one party (Individual 1) over another (RV).

A board of directors is intended to act independently of the employees, including the leadership, of an organization. They act as stewards of the organization's mission and resources, in the case of a for-profit, on behalf of the shareholders, and in the case of a nonprofit, on behalf of the public and beneficiaries of the organization's mission.

Individual 1 expressed in an email, "the board operates independent of me and has the final authority to make sure there is always accountability in place above me. It's one of the many reasons I'm not a voting member of the board."<sup>370</sup>

Although the board at times did overrule some of Individual 1's actions, Individual 1's blanket description of the board's independence and accountability is not what always occurred in practice. This was likely partially due to unique characteristics of early stage organizations as well as the founder/follower dynamic as mentioned above, but it also appeared to be due to the insistence of Individual 1 and the failure, at times, of the board to counteract those behaviors.

It was Individual 1 who first recommended Mediator to a board member, mentioning that he spoke with Mediator "often," and then within the same day, had secured Mediator himself. Individual 1's failure to recognize an actual conflict of interest, or at a minimum, an appearance of impropriety, is troubling. When asked if he would have done something differently related to Mediator, Individual 1 only said he would have not released the second podcast episode the day of the mediation, expressing it as an optics issue versus a real conflict that could have affected both Mediator's ability to be objective and the impact on RV.

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<sup>365</sup> BM1 and Individual 1 text exchanges, 6/11/2024.

<sup>366</sup> *Id.*

<sup>367</sup> *Id.*

<sup>368</sup> BM1 and Individual 1 text exchanges, 6/12/2024; BM1 Tr. at 14-15.

<sup>369</sup> BM1 and Individual 1 text exchanges, 7/11/2024.

<sup>370</sup> Email from Individual 1 to W1, dated 7/11/2024.

Even further troubling is the pushback to RV once she spoke up about her discomfort after the fact. Individual 1's claim – to RV, the board, and thereafter – that RV had knowledge of Mediator's first appearance on the podcast does not cure the impropriety of Individual 1's management of the task of securing a mediator and selecting Mediator in the first place.

According to Individual 1, in the fall of 2023, TNE put a grievance policy in place after an upsetting incident in the Facebook group.<sup>371</sup> He noted that, "I don't see any of other grievances that come in. I don't know what board members see it. I have no idea, but I know that something is in place."<sup>372</sup>

With respect to the grievance filed by RV and W1, Individual 1 knew it was filed and engaged in conversations with board members about it and the resignations that flowed therefrom. This included his insistent recommendations about how TNE should respond, in some cases, initiating actions not recommended or approved by the board. This compromised the objectivity and independence of the board and their response to the allegations, and was improper.

Further, Individual 1's behaviors mentioned in Section III.D related to his credibility are not specifically improper individually. However, they form a concerning pattern. They feature small "trust busters" of leadership<sup>373</sup> that over time, if left unchecked, not only can result in misconduct such as RV's allegations, but in further harm, mismanagement, and the very patterns that TNE's mission seeks to remedy.

In his interview with GRACE, Individual 1 expressed his desire to learn and understand if he did something wrong. This self-reflective response in words now has an opportunity to walk out in action.

## 2. Harmful Impacts

The incident and its handling by TNE has caused a number of harmful impacts to RV and to another witness who provided support to and advocated for accountability. Specifically, individuals expressed effects of loss of sleep, dedicating therapy sessions to processing these issues, confusion, loss of trust, additional anxiety, reactivating other wounds, feeling shame like they're a troublemaker, as well as losing the support, engagement, and income that came with being a part of TNE once they realized that they could no longer sustain the dual path of seeking accountability and maintaining a working relationship with Individual 1.<sup>374</sup>

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<sup>371</sup> Individual 1 Tr. #1 at 32.

<sup>372</sup> *Id.*

<sup>373</sup> See Craig E. Johnson, *Meeting the Ethical Patterns of Leadership: Casting Light or Shadow* (8th ed. 2024), specifically Chapter 3, "The Leader's Character".

<sup>374</sup> RV Tr. #3 at 2; W1 Tr. at 21.

The misconduct impacted TNE and its community negatively in that it consumed a substantial amount of board time, and emotional, cognitive, and financial resources that could have otherwise gone to the mission of TNE. TNE also lost the institutional knowledge, human resources, and trust of individuals who once believed in, served, and loved their mission and the ways in which TNE sought to support it.

## IV. Assessment of TNE's Response to Allegations, and Final Recommendations

GRACE commends TNE for their willingness to reflect on difficult stages within the life of the organization and recognize that learning from hindsight often requires tremendous courage and faith that God will compassionately walk us through our own decisions and failings. It may be helpful for TNE to consider broader qualities in leaders in their future searches for TNE board members and staff.

Further, GRACE commends TNE for its transparency in the investigation and demonstrated desire to understand their missteps and the resulting harm, own those missteps, and identify changes to address the harm and lean in closer to the mission of TNE.

### A. TNE's Response

It is important to first state that TNE as an organization, through the actions of its board members, appeared well intentioned and for the most part compassionate in its handling of the allegations in this report. To the extent TNE missed the mark in its response, it did not appear to be intentional or malicious, but rather a function of systemic factors, ignorance of or underappreciation of certain dynamics, and practical limitations of their roles as humans and unpaid board members, all of which will be addressed below. Patterns of behavior and misconduct of Individual 1, as addressed in Section III.F.1 also contributed to many of the failures in TNE's response as an organization.

The following actions on the part of TNE did not meet the appropriate expectations of a faith-based nonprofit relative to independence, trauma-informed practice, sound management and accountability, and caring for the least of these.

- Failure to have policies and procedures in place to guide actions and decisions in day-to-day functioning of TNE, and especially the face of allegations against a leader within TNE;
- Failure to diversify the board to reduce the potential for unhealthy dynamics and

- promote independent oversight;
- Failure to implement consistent and objective accountability of Individual 1 and others;
  - Interaction with Individual 1 with respect to allegations against him in ways that compromised their independence;
  - Failure to appreciate a power imbalance between Individual 1 and RV;
  - Allowing Individual 1 to manage the mediation process relative to allegations against him and failure to appreciate potential conflicts of interest.

One witness told GRACE that the witness had asked the board to get Individual 1 executive training for some time prior to the incident.<sup>375</sup>

## B. Summary of TNE Policies

As an early stage organization, at the time of the alleged incident (and as of the writing of this report), TNE has few policies and procedures in place, no apparent training on workplace policies, and little opportunity to implement such policies with consistency. It appears that policies have been adopted reactively as particular challenging issues have arisen in the course of TNE's growth, rather than proactively where they would be in place as difficulties or questions emerge.

TNE provided GRACE with the following policies: Grievance Policy, Interim Travel Policy, Facebook Mod and Admin Guidelines, and Platforming & Engagement Policy. These policies are summarized below as a reference for events detailed in this report and for actions recommended as a result of this report.

### GRIEVANCE POLICY

Sometime in 2024, TNE adopted a grievance policy after handling several complaints about individuals somehow connected to TNE allegedly engaging in abusive behavior. As of this report date, however, although stated in the grievance procedure that it was to be posted on TNE's web page, it does not appear to be posted on TNE's website or anywhere accessible to the public.

The policy describes in a grievance form that someone can complete and submit to TNE. A procedural flowchart was also developed to guide TNE's actions when a grievance is submitted. The policy contemplates that someone would typically be asked to submit a grievance form. For "simple" complaints, Individual 1 could respond directly, but the response must be written, with the board CC'ed in the emailed response. Otherwise, the board receives a grievance and at least two board members review it. Then the board will "conduct a fair and impartial investigation" which may include gathering additional information and performing interviews.

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<sup>375</sup> Call transcript, 9/2/2024, at 7.

After the investigation, if the grievance is determined to be well founded, TNE will take steps to address the issue and prevent recurrence, which may include an apology, policy changes, corrective action, and/or other appropriate measures. The policy also prohibits retaliation against any individual who raises a grievance and specifies that disciplinary action will be taken against anyone within TNE who does retaliate.

#### INTERIM TRAVEL POLICY

TNE did not have a travel policy in effect at the time of the alleged incident. The interim policy adopted thereafter addresses the circumstances surrounding the alleged incident in the form of “Driver and Passenger Safety” where it states, “TNE also strictly prohibits driving while emotionally distracted, including but not limited to engaging in road rage, aggressive driving behaviors, or any actions stemming from emotional distress such as anger, frustration, or anxiety.”<sup>376</sup> The policy also includes “Behavior Expectations,” which states that “All personnel are expected to act professionally and responsibly while traveling for TNE.... Professional Conduct: Employees and volunteers must maintain a high standard of behavior, reflecting positively on TNE.... Any violations of these behavior expectations may result in disciplinary action, including suspension of travel privileges or, in severe cases, termination.”<sup>377</sup>

#### FACEBOOK MOD AND ADMIN GUIDELINES

The Facebook guidelines note that faith deconstruction and prior marginalization are particular features of the TNE community and thus, expresses a primary goal “to foster a supportive and inclusive environment where members can share their experiences, find solidarity, and engage in constructive dialogue.”<sup>378</sup> The guidelines express the guiding principles of compassion and empathy, safety and respect, non-judgmental attitude, confidentiality, support for marginalized members, moderation consistency, educational support, and non dehumanizing group members.<sup>379</sup> Further, the guidelines set forth moderator responsibilities as active monitoring, engagement, conflict resolution, content moderation, community building, and training and development.<sup>380</sup>

#### PLATFORMING AND ENGAGEMENT POLICY

TNE’S Platforming and Engagement policy discusses:

- Perspectives they seek to prioritize: “individuals with expertise and experience relevant to faith renegotiation/deconstruction, exploration of the Christian tradition, accountability within the evangelical church, and related issues. This may include

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<sup>376</sup> TNE Interim Travel Policy, section 4.

<sup>377</sup> *Id.* at Section 10.

<sup>378</sup> TNE Facebook Mod and Admin Guidelines.

<sup>379</sup> *Id.*

<sup>380</sup> *Id.*



theologians, scholars, activists, and individuals with personal experiences relevant to TNE's mission."<sup>381</sup>

- Perspectives they may platform: can include those who disagree with TNE, with a priority on amplifying diverse voices. Contributors must be committed to integrity and respect and consistent with TNE values.<sup>382</sup>
- Individuals TNE will specifically seek *not* to promote: individuals who deviate from TNE's core values of being against hate speech, discrimination, dehumanization, and intolerance.<sup>383</sup>

The policy also includes guidelines for how TNE staff members engage outside of TNE - engaging within their expertise, being transparent about their affiliation with TNE, using respectful dialogue, having freedom to engage with those who disagree with TNE's mission and core values, and representing TNE's values and principles in their conduct.<sup>384</sup>

## C. Specific Issues Applicable to TNE and the Alleged Incident

Possible sources of unhealth within an organization can include the structure of the organization, the systems it does or doesn't have in place, the informal style and culture of the organization, as well as the individual personalities and behavior of leaders and non-leaders within the organization. In addition, each of those features can potentially mediate deficiencies exhibited in other features. For example, a system with a clear and defined structure, and clear reporting and accountability systems, can potentially reduce the negative impact of individual personalities within that structure through accountability and removal.

In the alternative, without defined structure and established systems in place, even relatively minor misconduct can cause greater harm by allowing unhealthy patterns to go unaddressed and become entrenched. They can allow uncertainty, unstructured processes, and potential mismanagement, instead of bringing clarity. This can foster greater confusion about any allegations and deepen the harm.

### 1. Early Stage Organizations

Individual 1, the Mediator, and certain other TNE leaders specifically noted that RV was a contractor as opposed to an employee of TNE, believing it to be a relevant factor in what RV's expectations should have been and the way the allegations should or should not have been handled.

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<sup>381</sup> TNE Platforming and Engagement Policy.

<sup>382</sup> *Id.*

<sup>383</sup> *Id.*

<sup>384</sup> *Id.*

However, it is not uncommon for early stage organizations, especially nonprofits founded from a collective passion, interest, or cause, to depend entirely on volunteers at the beginning, slowly shift to contractors, and then hire maybe a mix of part-time or one or more full-time employees as the organization organically grows.<sup>385</sup> Therefore, often there is little functional difference in the assigned or felt responsibilities of invested (and sometimes heavily worked) volunteers or contractors versus the first employees of an early stage nonprofit. In fact, Individual 1 noted, “[w]ithout the contractors, this work doesn't happen on this level, period. They're key.”<sup>386</sup> This is especially so for contractors working on a regular and close basis with a founder and/or leadership team, and even more so if the organization constitutes all or a significant portion of a contractor's work and income.

Such a dynamic existed in this case.<sup>387</sup>

RV and other contractors and volunteers often used words and phrases associated with employees such as questioning whether she would be fired<sup>388</sup> and resigning when she left. Individual 1 and TNE also used similar phraseology while at the same time stressing that RV was a contractor and attempting to differentiate her role from an employee.

Individual 1 and other TNE board members emphasized the high expectations one should have of a contractor and the lesser responsibilities they have to contractors versus employees, but then also acknowledged that at TNE's stage of development, there are many blurred lines and their expectations fell more into the employee role: “I'm sure you can understand to a degree when you're running a tiny little nonprofit where I'm working out in my guest bedroom and there's me and one contractor, we're all doing all different, we're all kind of blurring into our lanes. And [RV] did that. I mean, she was helping me make YouTube thumbnails for a long time. She loved doing that. She helped redesign some of our branding. She helped with a lot of things that could be considered low level when it came to, in particular with the B-roll and this Christian Nationalist documentary.... It simply is a matter of pragmatism.”<sup>389</sup>

This suggests a confusing dynamic for a contractor such as RV who shifted from a follower/fan to a volunteer to a contractor who functions similarly to an employee, both in TNE's expectations and in her mindset, and as reflected in communications between

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<sup>385</sup> See, e.g., Georgia Center for Nonprofits, *The Nonprofit Lifecycle: A Model for Making Smart Decisions* <https://gcn.org/resource-hubs/article/the-nonprofit-lifecycle-a-model-for-making-smart-decisions/> (accessed 2/10/2025).

<sup>386</sup> Individual 1 Tr. #1 at 46.

<sup>387</sup> Mediator did not seem to understand this dynamic as when Mediator was asked about power differentials between Individual 1 and RV, Mediator stated that RV being a contractor “does equal the playing field much more than the employer employee model because she's contracting her own services to them.” Mediator Tr. at 30. Mediator only noted that the financial power held by the organization in writing checks to RV, but did not appear to deem it significant and did not note that it constituted a significant portion of her income. *Id.* at 30-31.

<sup>388</sup> RV Tr. #1 at 16, 21.

<sup>389</sup> Individual 1 Tr. #2 at 6.

Individual 1 and RV. In addition, justifying their expectations in each perspective allowed TNE and Individual 1 to benefit without loss when it came to contractors.

Individual 1 described his busy schedule when it came to family and side gig demands outside of TNE, but then suggested that RV's work for another client and sensing a shift in work sophistication by him assigning her work that he as an employee did not have the bandwidth to do was somehow unreasonable.

Individual 1 noted multiple times that RV said she had worked on another client's work the night before the alleged incident, suggesting that such work contributed to why RV was behind on the script and thus late for meeting Individual 1 at his home that morning. However, RV working on another client's work, especially after spending an entire day with TNE as a client and two more upcoming, would not be atypical for a solo practitioner running their own business. The fact that Individual 1 thought it was out of the ordinary or as contributing to her inability to complete TNE's expected workload suggests an expectation for work outside that of a typical contractor.

An early stage organization also tends to involve a board that is more hands-on as there are often no or few employees, policies and procedures are still being developed, and the mission, revenue streams, and activities are still being refined.<sup>390</sup> This emphasizes the need for a healthy dynamic with accountability between the board and any staff. Therefore, when a board is too deferential to a founder or staff (possibly due to dynamics discussed below in Founder/Follower Dynamics) or when staff does not respect the independence of the board, these dynamics can become entrenched and result in organizational dysfunction and potential greater harm.

Further, the unique dynamics of an early stage nonprofit made actions of the board feel punitive to RV. Particular statements of board members seemed more hurtful. For example, when the board suggested RV and Individual 1 no longer work together as the status deteriorated, it felt punitive to RV as she depended on Individual 1 for information and direction in order to do her work; whereas, it appeared internally to RV and publicly that Individual 1 just kept moving along in his role. Further, W1 stated that one board member suggested RV and W1 should just focus on the work they needed to get done,<sup>391</sup> but that is quite difficult when their work was directly with Individual 1 and depended on information and direction from him, versus being in an office with a work team, alternative reporting structure and source of information. A board member also noted that they were contractors as opposed to employees<sup>392</sup> which felt invalidating to their value to the organization. This was especially impactful given the key role that contractors often play in an early stage nonprofit and that they came into the organization as believers in the

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<sup>390</sup> See, e.g., Georgia Center for Nonprofits, *The Nonprofit Lifecycle: A Model for Making Smart Decisions* <https://gcn.org/resource-hubs/article/the-nonprofit-lifecycle-a-model-for-making-smart-decisions/> (accessed 2/10/2025).

<sup>391</sup> W1 Tr. at 17.

<sup>392</sup> *Id.* at 18.

mission, initially volunteering their time and expertise for free. An apology was also given by a board member to W1, although she stepped into the grievance in an effort to advocate for RV, whereas RV herself did not receive a similar apology.<sup>393</sup>

In addition, when a nonprofit forms around a shared interest or passion, especially something as complex and deeply felt as spiritual beliefs and faith, it is often more likely that the individuals share genuine friendship outside of the specific issue<sup>394</sup>, and conversations inevitably drift into personal topics and greater vulnerability.<sup>395</sup> This is especially so when the very mission of an organization recognizes the existence of difficult experiences and trauma in the community they serve.<sup>396</sup>

One way to attempt to manage this blurring of lines is to prohibit friendships outside of the working relationship (as Mediator suggested for Individual 1 related to contractors).<sup>397</sup> However, this is not a reasonable or, in most cases, healthy expectation. It likely reflects some underlying, more troubling issues if parties are unable to balance these dynamics with the existence of appropriate structures in the working relationship. Instead, clear policies and procedures, open communication, clear and documented project management, and other structures provide the framework to manage awkward and otherwise unexpected conversations and concerns in the working relationship.

## 2. Founder/Follower Dynamics

In addition to the unique dynamics of early stage organizations, especially nonprofits, there are additional unique dynamics that occur in founder/follower relationships within organizations when a founder is the personality who draws in followers and those followers eventually become staff, contractors, board members, volunteers, or other participants in carrying out that mission.<sup>398</sup> That founder has multiple layers of power as reflected in Section III.F. Where the founder is the mission originator and driver, the creative decision-maker, and the public-facing personality, the independence,

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<sup>393</sup> *Id.* at 20.

<sup>394</sup> Bertrand, C., *Boards in Small Nonprofits: What About Friendship and Solidarity?* Nonprofit Quarterly (6/21/2007), <https://nonprofitquarterly.org/boards-in-small-nonprofits-what-about-friendship-and-solidarity>

<sup>395</sup> For example, in one interaction while RV was still volunteering for TNE, Individual 1 apparently mentioned publicly that other nonprofit expert had offered to assist TNE and RV expressed her fear of being replaced. Text/voice messages between Individual 1 and RV, 4/5/2023. The personal relationship allowed for the vulnerability of sharing that emotion; however, the lack of clear policies, a defined contract for her services (that never actually existed even after RV was being paid) specifying responsibilities and terms, and channels of communication other than Individual 1 would have likely moderated that concern and the uncertainty of navigating that and other similar issues for both parties.

<sup>396</sup> See Section IV.C.4 for further discussion of the impact of the mission of TNE on the potentially higher expectations of those who engage with it.

<sup>397</sup> Mediator recommended “not engaging in personal friendships with individuals that TNE contracts services who are in leadership positions with TNE.” Mediator email to TNE board, dated 7/20/2024.

<sup>398</sup> See, e.g., Garry, J. (2023). *Strong Boards: An Antidote to Founder Syndrome*. Stanford Social Innovation Review. <https://doi.org/10.48558/43D4-0Q53>.

leadership, and accountability efforts by a board or other supervisory structure are at serious risk.

In this case, according to witnesses, nearly every volunteer, contractor, and board member of TNE started off as following and interacting with Individual 1's social media accounts, which eventually became TNE accounts. In other words, they were followers of Individual 1 and his perspective and work.<sup>399</sup> The most common scenario was that individuals who eventually became board members or contractors reached out when Individual 1 expressed some kind of need or deficiency via social media that the individuals had expertise in and they responded with how they could fill that need for Individual 1 and TNE. This created a position of power for Individual 1 to select who, among the public and volunteers, he would choose to meet the needs he had expressed.<sup>400</sup> Most or all were also members of the Facebook group and as one witness described, "kind of looked at him as a celebrity."<sup>401</sup>

This dynamic can also be part of volunteers working beyond their capacity and contractors underreporting hours/expenses and going unpaid, reflecting the power disparity and resulting in financial disparity and potential resentment. While Individual 1 expressed this was never the intention and there were specific examples of Individual 1 attempting to address this by offering and sometimes indeed paying for extra hours worked when it was mentioned, there were also accounts from multiple witnesses who did not report extra hours worked or expenses because of their belief in the mission and knowledge that the budget was tight.<sup>402</sup> The lack of individual contracts, defined procedures for contractors, systems, and clear expectations contributed to this dynamic. Clear contracts, policies, systems, and budgets could address this on the front end.

Individual 1's efforts to serve and grow TNE resulted in burnout-type behaviors that were noticed by others and who attempted to compensate. Several witnesses described a similar dynamic of making excuses for Individual 1's behaviors: "I just would always give him grace. He is doing the best he can because he did not start out wanting to start a nonprofit, and it's just grown so stinking fast. He doesn't know what to do. So just keep doing what you're doing."<sup>403</sup> One described symptoms of burnout: "I could see his mood shifting, his patience shifting, being burnt out. We all know what burnout looks [like]. I could see it and he wouldn't listen."<sup>404</sup> By attributing improper conduct to burnout, the founder/follower dynamic can also then lend itself to excusing misconduct in the minds of others, as well as in the actions of an organization in handling allegations.

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<sup>399</sup> One witness called following Individual 1 a "lifeline" during certain politically tense times. W2 Tr. at 4.

<sup>400</sup> This dynamic is illustrated by Individual 1 describing one volunteer as "courting" him to work with TNE, another paying for Individual 1 to take an assessment, and other examples of Individual 1 having resource power over those seeking to use their talents in service of TNE and its mission.

<sup>401</sup> W1 Tr. at 14-15.

<sup>402</sup> *Id.* at 8, RV Tr. #1 at 13.

<sup>403</sup> W2 Tr. at 5. One witness expressed having asked the board to get Individual 1 executive training for some time prior to the incident. Call transcript, 9/2/2024, at 7.

<sup>404</sup> W2 Tr. at 7.

An organization that is birthed from the social media effort of an individual has to be intentional in its shift to an organizational dynamic both publicly and internally.<sup>405</sup> This shift is necessary for the organization to receive the intangible goodwill of followers instead of it flowing solely to the founder, especially once the founder is receiving income for his or her role. This shift is also necessary given that the organization becomes responsible for the actions of the founder in many cases; therefore, accountability and systems are key to that exchange.

As one board member noted immediately prior to initiation of the GRACE investigation, the TNE instagram had no indication that it was a nonprofit, that it offered services, that it had a Facebook group community, how to donate, or information about Individual 1 and his role with TNE.<sup>406</sup> One witness came to a point where they asked themselves the question, “Are we focused on the content and this personality of [Individual 1] or are we really focused on the mission of the organization and can we start back at the beginning and think about the mission of the organization and what are we doing to go back to that mission?”<sup>407</sup>

### 3. Lack of Policies and Procedures

TNE’s lack of policies and procedures possibly contributed to the circumstances of the alleged driving incident and certainly contributed to its failures in responding to RV’s allegations.

Without a defined contract, systems for project management, and measures to counteract the founder/follower dynamic, Individual 1 held significant power in the relationship with RV while RV’s responsibilities were unclear. Individual 1 could shift his expectations of her role based on his needs or in response to interpersonal conflict, whether or not intended to be punitive. While RV communicated a desire to work in her expertise of strategy multiple times over the course of her relationship with TNE, the possibility of this existed and kept her willing to fill roles beneath her expertise.

Similarly, without strategically considering the structure of the organization and having procedures in place for its operation, a founder-led organization can easily remain a wheel/spoke system, where the founder acts as the wheel and volunteers and contractors are the spokes.<sup>408</sup> Over the long-term, this is not only inefficient, but consolidates power and communication routes in the founder that can more easily harm, whether as part of the founder’s burnout, misconduct, or abuse.

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<sup>405</sup> Garry, J. (2023). *Strong Boards: An Antidote to Founder Syndrome*. Stanford Social Innovation Review. <https://doi.org/10.48558/43D4-0Q53>.

<sup>406</sup> TNE Board Slack channel, 8/15/2024.

<sup>407</sup> W2 Tr. at 20.

<sup>408</sup> Garry, J. (2023). *Strong Boards: An Antidote to Founder Syndrome*. Stanford Social Innovation Review. <https://doi.org/10.48558/43D4-0Q53>.

Without defined policies for the handling of allegations, not only were board members unsure of what next steps to take, RV's request not to go to the whole board was honored, which at the time likely felt appropriate and honoring to a vulnerable party; however, there was no defined path for where to go from there. RV expressed that her reluctance to elevate the issue was due to her fears of retaliation by making Individual 1 mad and therefore risking a loss of income that was a significant portion of the overall income of RV and another contractor.<sup>409</sup> In addition, the uncertainty in the process created a vacuum into which Individual 1 could step to direct the next steps of handling allegations against himself, even without necessarily having nefarious motives, as illustrated by his communication with board members, his decision-making about the mediation, and his insistence about how to manage the resignation process.

#### 4. High Expectations Due to Declared Mission

The mission of TNE specifically acknowledges that they are serving those who have been hurt and confused and “run over by the bus” in faith-based settings. The work of TNE often focuses on holding leaders accountable for abuse and misconduct. Like those who expect the church, as the representative of Jesus, to love well, exhibit self-control and humility, care for the least of these, and pursue justice, given TNE's specifically expressed mission, they likely hold those same expectations for TNE even though it is not a church. And thus, like a church, it is reasonable for followers to expect TNE as an organization and leaders of TNE to be held to a higher standard. Even more so, TNE states that, “We're here to reclaim a loving evangelical tradition that informs a better way forward” which might suggest a standard even higher than what followers are expecting to see in a church tradition.

The Bible emphasizes, “Not many of you should become teachers, my fellow believers, because you know that we who teach will be judged more strictly.” While Individual 1 is not a pastor, the followers of TNE look to it, and to him specifically, as someone teaching Biblical truths.

RV and one witness explained how painful it was to experience Individual 1's and TNE's actions after believing that they were “a better way forward,” as their mission claims.<sup>410</sup> It's not dissimilar to cases of spiritual abuse where a victim believes that the church, of all places, has higher ideals than others with respect to handling spiritual matters, direction, and leadership. Then to experience spiritual betrayal within that relationship feels doubly damaging. Similarly, TNE is an organization focused on doing things differently than stereotypical evangelical Christianity, being aware of abuse and promoting accountability, advocating for a better way, and believing that those who harm should own their behavior, allegedly not living up to those ideals carries its own trauma and loss.

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<sup>409</sup> W1 Tr. 17.

<sup>410</sup> W1 email to Individual 1, dated 7/2/2024.

Even if one could argue that the original harm from the driving incident was not overly traumatic in itself, for RV to have experienced harm in that environment could make the betrayal feel especially significant. Having her reaction partially explained away by Individual 1 and Mediator as being due to her prior trauma can further exacerbate this harm. Further, TNE leadership expressed confusion over what appeared to be RV's story changing over time, although one did mention that she appeared to gain new language to describe what happened. They noted that RV seemed to act normally around Individual 1 at times after the incident and also seemed agreeable to his suggestions about how to resolve the issue or that aspects had been resolved, but then later changed her mind.

Given the practical power dynamic between Individual 1 and RV, and the reality that those with a history of prior abuse or trauma can feature people pleasing or agreeableness as trauma responses, a trauma-informed lens would not have necessarily discounted her account for these reasons. Further, in the case of a potentially traumatic event, such as RV described in the car, it would not be uncommon for someone to struggle to find the words to describe or explain it for some time. The expectation that RV could fully understand the event, articulate precisely why it created fear, and identify exactly what she needed to receive from Individual 1 to make it repair their relationship underappreciated the impact of past or current trauma.

## 5. Handling of Prior Allegations

Witness interviews discussed three other instances where TNE received allegations of misconduct by someone associated in some way with TNE, all prior to the current grievance policy being in place. These are examined for purposes of identifying patterns in Individual 1's and TNE's response and whether those patterns could have also impacted TNE's response in this case, as well as whether or not TNE applied any learnings from those situations to how it handled the allegations against Individual 1.

One allegation was in 2022 or 2023 and involved an intern who was doing some content for TNE.<sup>411</sup> The allegations were received by Individual 1 through social media direct message from a woman.<sup>412</sup> The allegations involved a lack of integrity in the form of communicating inconsistent doctrinal beliefs privately versus what was espoused publicly on the TNE channels, allegedly to attempt to attract the woman romantically.<sup>413</sup> Individual 1 received the allegation, then confronted the intern who allegedly admitted the behavior.<sup>414</sup> The intern had already communicated that he needed to transition away from his role with TNE for other reasons and thus, no disciplinary action or other investigation occurred.<sup>415</sup>

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<sup>411</sup> Individual 1 Tr. #1 at 34-35.

<sup>412</sup> *Id.* at 35.

<sup>413</sup> *Id.* at 34-35.

<sup>414</sup> *Id.*

<sup>415</sup> *Id.*



A second incident was in 2023 and involved an individual who was serving as a board member of TNE.<sup>416</sup> The allegations were received by Individual 1 over email that the board member was abusive to their spouse.<sup>417</sup> After receiving the allegations, Individual 1 spoke to multiple witnesses as well as to the alleged victim, received two written statements from witnesses detailing their first hand accounts as evidence, communicated with board members to update them, and then worked together to decide how to handle the situation.<sup>418</sup> The accused board member was not aware of the allegations or the gathering of accounts and evidence, and did not participate in the board discussions, until further information had been gathered from all involved.<sup>419</sup> Individual 1 then confronted the board member who allegedly admitted the behavior and resigned.<sup>420</sup> The accused board member, in their resignation, noted that the lack of communication with them while information was being gathered and witnesses interviewed made them feel voiceless and dehumanized.<sup>421</sup>

After the board member's resignation, Individual 1 then released a statement within the TNE Facebook group.<sup>422</sup> In that video, Individual 1 described the accusations as a board member "mistreating her spouse over the course of her marriage" including "causing verbal and emotional harm to their spouse."<sup>423</sup> The video only referred to the parties anonymously.<sup>424</sup> He noted that although there is an interest in privacy, TNE is a "transparent organization committed to calling out harmful behavior and calling for accountability."<sup>425</sup>

Individual 1 then detailed a timeline of TNE's actions, as detailed above, including the fact that while they were still conducting their investigation, he changed the passwords of the accused accounts within TNE "to protect everyone's safety because we were still gathering information and I wanted to err on the side of caution."<sup>426</sup> He described that based on the accounts, TNE felt like it had "enough testimony to find several of the allegations credible," and that after confronting the board member, she resigned.<sup>427</sup>

A third incident occurred soon after in 2023 and involved an individual accused of domestic abuse (previously identified herein as "Speaker") who was to be speaking at an event where Individual 1 would also be speaking.<sup>428</sup> TNE social media platforms had

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<sup>416</sup> *Id.* at 36-37.

<sup>417</sup> *Id.* at 37.

<sup>418</sup> *Id.* at 37-38; *see also* Emails to/from Individual 1 and accusers, and Individual 1 and TNE board members.

<sup>419</sup> *See* Emails to/from Individual 1 and accusers, and Individual 1 and TNE board members.

<sup>420</sup> Individual 1 Tr. #1 at 37-38.

<sup>421</sup> Email from former board member to TNE leaders after resignation.

<sup>422</sup> Individual 1 Tr. #1 at 38; *see also* video statement of Individual 1 to TNE Facebook group, provided to GRACE.

<sup>423</sup> Video statement of Individual 1 to TNE Facebook group, provided to GRACE.

<sup>424</sup> *Id.*

<sup>425</sup> *Id.*

<sup>426</sup> *Id.*

<sup>427</sup> *Id.*

<sup>428</sup> Individual 1 Tr. #1 at 39.

promoted the event and received revenue from registrations.<sup>429</sup> The allegations were made in the TNE Facebook group, but had also existed online prior to being highlighted within the group.<sup>430</sup> There was significant conflict within the TNE Facebook group and community related to the allegations and Individual 1's participation in the conference alongside Speaker.

After the allegations were brought to TNE's attention, Individual 1 then reached out to and spoke with mutual friends of Speaker, pulled and reviewed the court files between Speaker and his alleged victim spouse,<sup>431</sup> spoke to Speaker, as well as to a trauma-informed therapist and someone who speaks about church trauma and sex abuse.<sup>432</sup> He did not speak with someone knowledgeable in domestic abuse.<sup>433</sup>

Individual 1 then posted a video describing his investigation into the matter and his assessment of it in the TNE Facebook group, perceived by some to be defending Speaker.<sup>434</sup> This was admittedly done without board input and the board eventually removed Individual 1's video and issued a statement, including the following:

The Board has also chosen not to further discuss our findings on [Speaker]. Definitive investigations into allegations like these require knowledge, resources, and skills that our organization does not have and to pursue further would be outside of our scope. Similarly, to publish findings short of that would be unethical and cause undue harm to all involved in the initial allegations and members of this group. For this reason, we will be taking down the video posted by [Individual 1] on August 12. The Board discussed with [Individual 1] that posting the video was a harmful decision made in the midst of a crisis.<sup>435</sup>

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<sup>429</sup> *Id.*; W2 Tr. at 16.

<sup>430</sup> Individual 1 Tr. #1 at 39.

<sup>431</sup> *Id.*; see also Video statement of Individual 1 to TNE Facebook group, provided to GRACE.

<sup>432</sup> Individual 1 Tr. #1 at 39; Video statement of Individual 1 to TNE Facebook group, provided to GRACE.

<sup>433</sup> Individual 1 Tr. #1 at 39.

<sup>434</sup> *Id.* at 39-41, 44; Video statement of Individual 1 to TNE Facebook group, provided to GRACE. In his initial video, Individual 1 emphasized that he was not asking anyone to trust him or believe him, and was not intended to persuade anyone, but just wanted to detail the process that he engaged in to investigate the allegations. He stated that in addition to speaking to Speaker, he talked to people who knew both parties, read statements, talked to one of the children, then also emphasized that Speaker won full custody which is uncommon for a father, that cases include experts and evaluations, and that the kids have a close relationship with Speaker and see their mom only 1-2 weeks per year. He also noted that many people with high esteem wrote statements in his defense. While assessing the steps taken by Individual 1 to evaluate this previous situation is outside the scope of this engagement, it is worthwhile to note that domestic abuse dynamics are complicated and a review of court documents and discussions with otherwise interested parties by someone untrained and inexperienced in those dynamics is unlikely to reveal the underlying truth. Notably, Individual 1 contrasted the situation multiple times with an otherwise "real situation of this guy was beating his wife" – displaying a misunderstanding of the dynamics of domestic abuse. *Id.* at 40, 45.

<sup>435</sup> TNE Board Statement posted in TNE Facebook group, 8/14/2023.

Individual 1 also posted a statement noting that he “missed the mark” in his video and that he:

wasn't tuned into the needs of our community. I know that impact matters more than intent. Rather than explaining my thoughts, I should have centered your needs. We often say that repentance is a gift to do better. I want to embrace repentance for my video response and make sure that in the future, I am more aware of and sensitive to the needs of this community.<sup>436</sup>

Thereafter, the board developed a grievance policy.<sup>437</sup>

In two of these cases, Individual 1 personally received the allegations, and in the case of Speaker, they were posted in the TNE Facebook group. In each case, Individual 1 performed some sort of investigation to attempt to identify the truth of the allegations, including speaking to witnesses, obtaining written statements or reviewing written filings, and in the case of Speaker, attempting to identify experts to understand the dynamics involved.

In more simple situations where factual events are capable of verification and there are not complex dynamics involved such as trauma or abuse, it is possible that such a process might reflect due diligence, so long as it followed established policies and procedures. This practice of internal human resources investigations is not uncommon. Notably, however, Individual 1 is not a human resources professional, there is no indication that he has any training in performing such investigations, and there were no specific policies or procedures in place regarding such investigations.

In addition, several important discrepancies are noteworthy. In both the allegations against the intern and the board member, Individual 1 centered the accounts and concerns of the alleged victim/accuser, obtaining additional information from them, and seeking and offering support for their input related to TNE's response. However, in the allegations against Speaker, Individual 1 appeared to center the account of Speaker - the reported offender - by speaking with mutual friends of his and Speaker, as well as Speaker himself. A reasonable person might question whether this difference related to Speaker being male (versus the abuse allegations in the case of the board member were against a female), Speaker being in a role with which Individual 1 identified (speaker, writer, and podcaster influential in in progressive faith spaces), or because they shared mutual friends and therefore, Individual 1 may have more likely trusted their account and thus the position of Speaker. Although in the case of Speaker, Individual 1 did speak with individuals who have tangentially related expertise (trauma-informed therapist and someone who speaks about church trauma and sex abuse) and reviewed court files, this underappreciated the

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<sup>436</sup> Individual 1 post to TNE Facebook group, dated 8/14/2023.

<sup>437</sup> Individual 1 Tr. #1 at 41-42.

complexity of domestic abuse, personality disorders, abuse-related trauma, and domestic legal cases.

In the case of RV, the allegations were against Individual 1 himself and therefore, it was inappropriate for him to be involved in receiving, managing, or discussing the allegations, the grievance, or the resignations resulting therefrom except in the context as a subject and witness in the allegations. The handling of the board member allegations illustrates the fact that Individual 1 and TNE board understood that an alleged victim deserved the safety of not forcing their engagement with the reported offender and the objectivity of a third party receiving allegations, gathering further information, and attempting to evaluate them, even so drawing the criticism of the board member for her lack of knowledge during that time.

The allegations against Individual 1 were handled much differently, albeit initially at the desire of RV in her attempt to resolve it with Individual 1 directly. Even to the extent Individual 1 received RV's allegations in conversation with her at her choice in late May 2024, he did not treat them similarly to his handling of the prior allegations, understandably so, as they were against him and it would be difficult to set aside one's own self-interest and perception to objectively evaluate allegations against oneself. This is all the more reason that an objective outside party, whether that could have been the board or board members operating within defined policies and procedures, or a disinterested third party, should have handled the allegations.

Second, it is understandable that the experience of the allegations against Speaker could have impacted Individual 1's response to RV's allegations, triggering possible fear related to the difficult impact of that period on the TNE community and shame related to the impact of his own initial response and correction by the Board. Individual 1's tendency to center the accused in that account, for whatever reason, also lends insight into his perspective on being the subject of allegations himself. The complexity of discerning the truth was underappreciated in the case of Speaker, as it was in this case, here treating it more as an interpersonal conflict from the beginning.

## **6. Board Accountability of Individual 1**

According to the National Council of Nonprofits:

Board members are the fiduciaries who steer the organization towards a sustainable future by adopting sound, ethical, and legal governance and financial management policies, as well as by making sure the nonprofit has adequate resources to advance its mission.

One of the most important responsibilities for many boards is to hire and set the compensation of a talented CEO/executive director to run the day-to-day management activities of the organization, and then to provide supervision and evaluation of the CEO.

When there are paid staff in place, rather than steer the boat by managing day-to-day operations, board members provide foresight, oversight, and insight.<sup>438</sup>

In order to provide effective oversight of staff, especially a CEO or Executive Director, it is important for board members to not be overly deferential to staff, and especially in the case of allegations, to avoid actual or the appearance of conflicts of interest in favoring the subject of the allegations.

Individual 1 expressed in an email, “the board operates independent of me and has the final authority to make sure there is always accountability in place above me. Its one of the many reasons I’m not a voting member of the board.”

However, Individual 1’s description is not what occurred in practice. While this was likely due in part to unique characteristics of early stage organizations as mentioned above, it also appeared to be due to the insistence of Individual 1 and the failure, at times, of the board to counteract those behaviors.

Board members of TNE failed to maintain their independence in handling and evaluating RV’s allegations since they learned of them in early June 2024. Individual 1 regularly engaged with board members on the topic of the allegations, they sometimes debriefed one another after calls one or more of them had with RV, including after the mediation, and on occasion commiserated about certain frustrating aspects of handling the allegations. RV was not treated similarly to Individual 1 in this way.

Individual 1’s attempts to manage the handling of the allegations related to RV followed a pattern of his handling of prior allegations in some ways, but this time, the allegations were against him. While his instinct to inform and involve the board earlier rather than later was likely appropriate, even though it felt punitive to RV at the time, this confusion about his motive could have been alleviated had procedures been in place for handling such complaints.

Further, Individual 1’s initial suggestion of Mediator to a board member included the statement that he and Mediator talked “often”, over and above the knowledge that Mediator had appeared on the podcast twice including for promotion of her book, should have raised a red flag about the actual or perceived independence of Mediator as an appropriate mediator between Individual 1 and RV. The board member who received that comment apparently did not question it or share it with other board members, as one board member who did have concerns only apparently shared them with Individual 1, noting to GRACE investigators, “I know that [Individual 1] didn’t really know [Mediator] other than that he’d done an interview with her at a particular time, but I also knew that probably wouldn’t look great in terms of where [RV] sat, which is exactly what happened....

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<sup>438</sup> National Council of Nonprofits, *Board Roles and Responsibilities* (retrieved 2/6/2025), <https://www.councilofnonprofits.org/running-nonprofit/governance-leadership/board-roles-and-responsibilities>

So I know that [Individual 1] had had a connection with [Mediator] in terms of they'd done a podcast episode, but when [Individual 1] talked to me about that, I actually did ask him in that time, is that going to work? Have you got a relationship with [Mediator]? And he said, other than that one podcast and the next one that we've got coming out soon, I haven't actually talked to, I don't."<sup>439</sup>

We recognized that the TNE board has shown a willingness to hold Individual 1 accountable for certain actions that negatively impact the organization. Individual 1's decisions to remove access for RV and W1 and his insistence to the board about how their resignations should be handled was inappropriate, but the board appropriately corrected some of Individual 1's actions such as apologizing for the selection of Mediator and reinstating access for a time for W1.

This is consistent with the board's handling of Individual 1's actions related to the allegations against Speaker. To their credit, according to witnesses, leadership agreed that Individual 1's decision to issue a statement about Speaker was "out of line" and a "cowboy thing."<sup>440</sup> Appropriately, Individual 1 was apparently not involved in the conversations around the board's public statement regarding Speaker.<sup>441</sup>

This investigation does not involve an assessment of the conduct surrounding the Speaker incident. However, consideration is important as a separate illustration of the dynamics between Individual 1 and the board of TNE, any patterns of Individual 1's responses when confronted with allegations of harm committed by others (the abuse allegations against Speaker) and allegations of harm committed by himself (in the case of his initial video). When asked about whether Individual 1 understood that the decision to make and the substance of his initial video responding to the Speaker controversy missed the mark, one witness responded:

He knew he screwed up when he posted the video. He knows he didn't really understand. It took us forever to be like, you understand you screwed up because you acted in haste. Right, but what else? Your tone, you were tone deaf. And he'd be like, I don't get it. I was just creating content. I always do. So he would never be like, I was wrong because I was defending [Speaker] or I was wrong because I was defending myself.... [I]t was more like, again, the board has spoken, here's what the board statement is. I'll just go back to the board statement. Never like I was wrong because I don't think he understands why he was wrong. I still don't think he does. I think he thinks that, like I said, he was creating content. He always does. And why was that wrong? ... why are we crucifying this man?"<sup>442</sup>

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<sup>439</sup> BM6 Tr. at 13.

<sup>440</sup> W2 Tr. at 18.

<sup>441</sup> *Id.* at 17-18.

<sup>442</sup> *Id.* at 19.

## D. SAMHSA's Six Principles of Trauma Informed Practice, Biblical Principles, and Final Recommendations

Analysis of what TNE knew and how it responded was conducted using the lens of Biblical principles as well as the Six Principles of a trauma informed approach, as developed by the National Center for Trauma-Informed Care. The Six Principles include 1) Safety, 2) Trustworthiness and Transparency, 3) Peer Support, 4) Collaboration and Mutuality, 5) Empowerment, Voice, and Choice, and 6) Cultural, Historical, and Gender Issues.

### 1. Summary of SAMHSA's Six Principles of Trauma Informed Practice

For an organization to be one of **Safety**, staff, volunteers, contractors, board members, and community members served feel physically, psychologically secure; the physical setting is safe and interpersonal interactions promote a sense of safety. Understanding safety as defined by those served is a high priority.<sup>443</sup>

An organization that is **Trustworthy and Transparent** is one where organizational operations and decisions are conducted with the goal of building and maintaining trust with the community they are serving, among staff, and with others involved in the organization through honesty and following through on commitments.<sup>444</sup>

**Peer support** and mutual self-help are key vehicles for establishing safety and hope, building trust, enhancing collaboration, and utilizing individual stories and lived experience to promote recovery and healing. The term 'peers' refers to individuals with lived experiences of trauma, or in the case of children, this may be family members of children who have experienced traumatic events and are key caregivers in their recovery. Peers have also been referred to as 'trauma survivors.'<sup>445</sup>

**Collaboration and mutuality** within an organization are evident by a leveling of power differences between leaders and the community and others who hold less power and among organizational staff at any level of authority, demonstrating that healing happens in relationships and in the meaningful sharing of power and decision-making.<sup>446</sup>

**Empowerment, Voice, and choice** are reflected in organizations that understand the importance of power differentials and ways in which those in faith communities, historically, have been diminished in voice and choice and were often recipients of coercive treatment. Staff and leadership are facilitators of recovery rather than controllers of

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<sup>443</sup> See SAMHSA's Concept of Trauma and Guidance for a Trauma-Informed Approach (July 2014).

<sup>444</sup> *Id.*

<sup>445</sup> *Id.*

<sup>446</sup> *Id.*

recovery. Staff and leaders are empowered to do their work as well as possible by adequate organizational support, recognizing a paradoxical Biblical truth that individuals make up one body that possesses individual and communal capacities for resilience and healing.<sup>447</sup>

**Cultural, historical, and gender considerations** are characterized by the organization actively moving past cultural stereotypes and offering equitable access to responsive services and incorporating policies, protocols, and processes that are responsive to the needs of individuals served and that recognize and address historical trauma.<sup>448</sup>

## 2. Application of Biblical Principles and Trauma Informed Principles; Final Recommendations

**Safety.** If a plane is off course, even by one degree, that deviation plus distance and time will totally undermine the intended trajectory. Proverbs 22:3 is a reminder that there is wisdom in seeing the early indicators of danger and taking action.<sup>449</sup> Individual 1 displayed certain concerning behaviors in the driving incident as well as in his response to RV's allegations. Had TNE had more effective systems in place and had leaders acted effectively in a timely manner, it could have minimized the possible misconduct and relational deterioration. Once the driving incident had already occurred, if leaders had guidance and confidence to engage effectively, further damage could have been avoided and dignity saved. It took courage for RV (and W1) to continue to lean into her desire for accountability and resolution, at her own relational, career, and financial risk. However, TNE lacked a roadmap of what to do in this scenario. This lack of preparedness undermined the best intentions, but it can be redeemed by the power of God, the example of Jesus, the presence of the Holy Spirit, and the accompaniment of fellow trusted believers. Leaders can honor God and those for whom they are responsible by protecting those in their care, even at the cost of confusion and risk to themselves (John 10 and, Ezekiel 34).

Recommendations for TNE include the following:

- As a leadership team, consider what it would look like, with respect to RV and any other witnesses of which TNE is aware who were hurt by TNE's response to the misconduct allegations, to name and own the harm to each individual, identify the steps needed for change, make amends and accept consequences, apologize, and identify what TNE would do differently in the future given those circumstances. This would include considering the shortcomings of leadership mentioned in this report and the effects caused by those shortcomings, as well as some or all of the

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<sup>447</sup> *Id.*

<sup>448</sup> *Id.*

<sup>449</sup> Proverbs 22:3 (ASV).



recommendations herein, but does not have to be limited to what is identified herein.<sup>450</sup>

- Develop a conflict of interest policy with specific emphasis on power dynamics.
- Specify boundaries for the board, staff, and volunteers, including a code of conduct to include expectations surrounding sexualized conversations, physical touch, isolation, and use of technology/virtual messaging.
- Provide an orientation to staff, board members, contractors, and volunteers, as applicable, on any new policies.
- Creating general Safeguarding Policies, which may be best accomplished through collaboration with a safeguarding policy expert who understands the call of followers of Jesus to safeguard the vulnerable. GRACE further recommends that these policies be clearly communicated to the community served by TNE on a regular basis.<sup>451</sup>
- Implement training for all staff and volunteers to assure it incorporates and provides annual updates on: the use and abuse of power; spiritual abuse; grooming (of individuals and communities), boundaries, and misconduct; understanding, identifying, and responding to issues related to abuse, offenders, and victimization; and internal and external reporting requirements.
- Create Contractor/Employee Policies and Procedures including expectations of an annual review of all staff, and develop Salary Bands and a Remuneration Policy.
- Foster ongoing learning on the concept of safety after trauma, which could include topics such as attunement to God and the Holy Spirit as a “still small voice.” This could be done by setting aside time periodically at board meetings or a retreat to listen to a team or an individual who has gathered relevant materials and sources and could act as a “champion” of a trauma-informed approach to operating TNE.

**A trustworthy and transparent culture** is one where operations and decisions are conducted to build and maintain trust with leadership, congregants, staff, and others involved in an organization. Trustworthiness and transparency are also values and actions commanded by God and spoken of frequently in Scripture. Examples include Proverbs 10:9, which speaks of the security inherent in transparency, and Ephesians 4:25, which recommends speaking the truth as members of one body. Overall, the assessment indicated few red flags around trustworthiness and transparency at TNE. The challenges in this area included:

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<sup>450</sup> “A Church Called Tov” by Scot McKnight could provide support for this recommendation.

<sup>451</sup> Specific areas to address include: Child safeguarding policies for all ages, birth through 17; Adult safeguarding policies for all adult ages; Three avenues of alleged/suspected abuse or misconduct: observed, reported, suspected; The need and procedure for reporting to police, child protection, and/or other relevant civic authority; Clear methods of accountability; Method to train all staff on the policy and how individuals can report possible policy violations; Definitions of and ways to effectively address conflicts of interest and dual relationships; Guidelines for determining when to involve an independent third party for an investigation; and Clear boundary limitations that create a buffer between the boundary violation and more tangible actions of abuse.

- The lack of policies and procedures surrounding reporting and handling of grievances which allowed a process to develop that was uncertain and unclear, therefore reducing transparency and trust in the board's process.
- The involvement of Individual 1 in decisions related to the handling of the allegations, grievance, and resignations, without transparency that this would occur and was occurring.

Leaders can honor God by building trustworthiness in small, reliable actions over time, demonstrating that they are dependable and honest and that their words and deeds are transparent. In service of this, recommendations for TNE include the following:

- Hold regular board member training on the roles and responsibilities of 501(c)(3) Board Members and resources available to board members.
- Develop a full set of policies and procedures appropriate for a nonprofit and TNE's unique characteristics: its mission, a community with many individuals who have experienced trauma, geographically dispersed leadership,
- Include within the policies definitions of abuse to include all forms of abuse, such as emotional abuse, physical abuse, spiritual abuse, sexual abuse, and abuse of power.
- Further refine the process for what will occur after a grievance is received. For example, a detailed protocol for interacting with victims post reporting may include, providing applicable types of support, or it may involve the creation of a care team that offers support and care among other things.
- Ensure the TNE community and the public are well-informed about the grievance policy and procedures, specifically by posting them on TNE's website.
- Develop policies and procedures around the process when someone resigns or is fired as a board member or employee or where a contract terminates as a contractor, with respect to notice, termination of access.

**Peer support and mutual help** are key vehicles for establishing safety and hope, building trust, enhancing collaboration, and utilizing individual stories and lived experiences to promote recovery and wholeness. While there are small groups within the TNE follower community that seem to offer peer support, given the small size of TNE as an organization and its early stage, there are few defined structures that might allow for peer support within its staff or leadership other than the board as a whole or the TNE Facebook group.

TNE did foster peer support in allowing RV to select and include a support person at various stages of the process. However, in a board discussion that included Individual 1, that support was then characterized by a mental health professional in a negative way,<sup>452</sup> undermining each of their credibility.

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<sup>452</sup> "At this point I'm pretty sure they are enmeshed/sharing a trauma bond and they definitely will talk about any correspondence they get from us." Board slack channel with Individual 1, 9/4/2024.

Additionally, another deficit was uncovered around peer support impacted Individual 1, and it possibly will impact others within and following TNE if it is not addressed. This deficit relates to the fellowship of correction and the reorientation to Christ's ways by other trusted believers. Leaders in faith communities especially need peer relationships explicitly recognized/formalized and pragmatically realized.

Several witnesses noted their suggestions along the way for Individual 1 to have executive coaching and therapy support in his role, and according to TNE leaders, he has that now, although the nature of it is unclear. There does not appear to be any specific guidance or expectation from TNE that Individual 1 should respect their perspective and change any problematic behavior. Consideration and work establishing a peer group based in humility and accountability, who don't necessarily function in the same personality-based role as Individual 1, could greatly benefit Individual 1 and any future individuals who serve in that role.

Galatians 6 provides useful guidance for the challenging but important work of dealing tenderly with those who are in places of obvious and subtle danger for them and others. These plain and practical directions can remind Christians of their duty to one another.

Where dignity has been sacrificed, there can be restoration (Philippians 2:3); where voices have been dismissed out of convenience, there can be a platform offered; where interests have been narrowed to an individual, broader goodness is achievable (Philippians 2:4).

Recommendations for TNE include the following:

- The provision of care, support, and funding to assist RV in her healing from the harm caused by the misconduct discussed in this report.
- A critical assessment of the impact of the current governance structure within TNE and the expectations of board members and Individual 1. Identifying any gaps and seeking support to explore models for filling those within the organization and how the observation of such relationships impacts people's willingness to bring concerns into the light.
- Expand the conversation about staff / TNE formal leadership values to co-create agreed plans for instances when staff or TNE formal leadership observe or are concerned about their peers violating these values.
- Provide training to board members and staff on indications of true repentance.
- Consider training and skill building on Radical Candor.<sup>453</sup>

**Collaboration and mutuality** reflect partnership and the leveling of power differences between staff, board members, contractors, volunteers, and community

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<sup>453</sup> Radical Candor. (n.d.). The Feedback Loop. (accessed 7/8/2024)  
<https://www.radicalcandor.com/the-feedback-loop-business-leadership-course/>.

members at any level of authority, demonstrates that healing happens in relationships and in the meaningful sharing of power and decision-making. This is an area of challenge for TNE given the dynamics discussed regarding early stage organizations and founder/follower dynamics. Clarifying and formalizing these practices in writing and exploring the theological underpinnings is recommended.

What entitlement and arrogance tear apart, God seeks to restore (Psalm 10). Recommendations for TNE include:

- Continue the work to decenter Individual 1 as the source of primary creative control and personality of TNE.
- Diversify the board with those with small and large nonprofit experience, focusing on those who do not have a history as followers or fans of TNE currently.
- Training for board members and Individual 1 on collaborative and equitable leadership, nonprofit governance, power dynamics, domestic abuse.
- Promoting equitable accountability to policies, shared values, and decisions regardless of role or association.
- Address the difficulties surrounding disclosure within an organizational context, especially when it involves misconduct by individuals in positions of influence within an organization.
- Engaging in shared decision-making that reflects full participation, mutual understanding, inclusive solutions, and shared responsibility.
- Evaluate understanding of decisions and policies by working hypothetical scenarios in board meetings both with and without Individual 1.

**Empowerment, voice, and choice** reflect organizations that understand the importance of power differentials and ways in which participants, historically, have been diminished in voice and choice and were often recipients of coercive treatment within the faith communities. Leaders are also empowered to do their work as well as possible by adequate organizational support and guidance. This is a parallel process as leadership needs to feel safe as much as people receiving spiritual guidance and information that TNE provides.

The family of Christ is vast and diverse and those needs are as well. Amplifying and nurturing the voices that are not easily heard, even when their message is a difficult one, is the critical work of gospel-following leaders. Recommendations for TNE include:

- TNE leadership read and study [Redeeming Power: Understanding Authority and Abuse in the Church by Diane Langberg](#)
- Exploring policies and practices that account for the inherent conflict of interests that can occur when individuals hold positions of power or influence and become the subject of a grievance or other allegations.
- Create a process that provides a clear pathway for victims of misconduct to report in addition to or outside of the TNE leadership structure.

- Collaborate with RV to explore the idea of any targeted or broad distribution and communication of the report.

**Cultural, historical and gender considerations** are characterized by an organization actively moving past cultural stereotypes; offering equitable access to responsive services; incorporating policies, protocols, and processes that are responsive to the needs of individuals served; and recognizing and addressing historical trauma. A part of this high calling is being people who reflect the culture that Jesus laid out as the plan for His culture.<sup>454</sup>

In the Sermon on the Mount, Jesus presented a comprehensive plan for his followers to embrace and follow. It is important to revisit Christ's culture, which includes:

- The emphasis on humility in a culture that often values self-promotion, power, and pride.
- The importance of compassion and mercy where there exists the priority of personal gain, self-centeredness, or a disregard for the well-being of others.
- The exhortation to pursue righteousness at a cost to personal success or material gain.
- The pursuit of justice, fairness, and moral integrity in a culture where decency is on the brink of extinction.
- The challenging of the prevailing cultural values of wealth, power, and self-centeredness through meekness, gentleness, and purity of heart.
- The discipline of endurance when quitting and canceling might end our present suffering.

Addressed earlier in this report are certain gendered aspects to the misconduct investigated. At TNE, it is notable that all of those who initially responded to Individual 1's communicated needs via social media and who volunteered as board members and in other roles, such as RV and W1, were women. While the board has become somewhat more gender balanced, it would benefit from further diversity in all aspects - age, race and ethnicity, education, socioeconomic status, culture, etc. Communities of faith are most valid and effective in doing what Jesus did: supporting goodness and impartiality to reflect God's original intention for all of creation to flourish when there is room to do so and respect for the diversity of voices within the body of Christ. Recommendations for TNE include:

- Identifying and spending a portion of the board's time together, whether periodically at board meetings or retreats, discussing the more subtle dynamics involved in gender and culture within the Christian faith and specifically, communities of faith and faith-based organizations. This could be done, for example, by an individual or group identifying and gathering relevant materials and presenting them for discussion.

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<sup>454</sup> Matthew 5:3-16 (NIV).

- Similarly to above, relative to the counter-culture Kingdom life as illustrated in Luke 12, Proverbs 13 and 1 John 2.
- Exploring Christ-like processes for receiving criticism and developing a culture of listening distinct from shutting down when challenged.<sup>455</sup>

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<sup>455</sup> Proverbs 10:17, & 19:11 (NIV).