

September 13-18, 2018 Reference Notes and Report on MM- MM case:

Time line summary of initial contact by “Durga”:

November 21, 2017: “Durga” wishes to file complaint against a CIYT. – Ethics Chair responded about process

November 22, 2017: Durga wishes to remain anonymous because of “sexual nature”, She wants to speak with someone, states incident happened several years ago- Ethics Chair- offers assistance and recommends that she seeks support, legal, police, mentor, friends to ensure safety. Offered to talk with her on phone, to clarify role and function of Ethics Committee (EC).

November 24, 2017: wishes to communicate via email, wants confirmation that correspondence will be completely confidential. Ethics Chair: cannot assure Internet security but EC matters are subject to confidentiality rules.

November 24, 2017: she wants to know who is on EC

November 25, 2017: she checks the website and still wishes to remain anonymous and keep her initial conversation between us private.

November 26, 2017: in response to question about her goal, she wishes to remain anonymous and states: “My goal is to report a sexual grooming situation that occurred over several year period and culminated in sexual battery several years ago. I also want to find out what the "process, role and function of the IYNAUS Ethics Committee" will be regarding this matter.” Ethics Chair response: sent her the information on EC due process.

November 29, 2017; she writes: “Thank you for the clarification. It will be a big step for me to come forward with my full story, as I still fear my abuser. Knowing that he will be privy to what I have to share makes me feel anxious. I understand it is a necessary part of the process, but my stomach is flipping out just thinking about it. Perhaps that's all the more reason to do it. I will begin to write it all down and be back in touch when I'm fully ready to move forward. Regards”

February 5, 2018: she sends a note that she is ready to come forth with her complaint and to send it by mail.

February 9, 2018: She is given information to send it to my email address but if she wishes to send by surface mail, she was given the IYNAUS mailing address.

On March 31, 2018, Ethics Chair received AW’s letter dated March 14, 2018; she had copied it to Geetaji. Ethics Chair finally learnt her identity in that letter. Although she notes the date of her initial contact as November 21, 2017, she never disclosed her identity or the identity of respondent to her complaint, nor did she write about any incident or particulars about an incident.

TIME LINE OF OUR INVESTIGATION PROCESS:

EC received AW letter on March 31 and it was sent to MM on April 5th for him to respond by April 30th. He requested and was given a two-week extension. His response was sent to AW on May 23rd. EC asked AW to provide with any supporting information to corroborate her allegations (witnesses in the room). AW requested extra time to provide this information because she was out of the country in June and

would not be able to gather this information until her return. She was given until July 20th and then a further extension to the end of August 2018.

On August 6, 2018 AW provided: two anonymous letters, a letter from Mikel Bruce, a letter from her husband (7/28/18), a police report (3/20/18) and a letter from a Charlotte Bell (8/3/18). None of these witnesses describes actually witnessing the alleged behaviors or being present during the alleged incidents. They report what she told them. Charlotte Bell's note alleges past behaviors (a story of an inappropriate adjustment from MM about 30 years ago.) However no evidence of actual filing of a complaint or any record of violations was provided.

During the course of this investigation, AW went to KQED and made her story public. The story by KQED was published on September 8th. This story notes that no criminal charges were filed due to statute of limitations. Newspaper stories refer to the same article in which MM apologized for his sexual misconduct in public at an Iyengar Convention (1990) and Guruji forgave him with an opportunity for MM to transform.

A review of past records shows no other complaints of sexual misconduct filed against MM. An inquiry with the San Francisco Institute board members suggested no such records.

On September 9, 2018, following the News story, MM wrote to EC:

“The complaint on me from the 80s was for sleeping with my students.
I am not and never have been a groper or molester- MM”

AW's Complaints in Summary:

In her letter, Ms. AW describes details alleging inappropriate comments in 2012 and an assault of sexual nature while attending MM's workshop/class in San Diego in November 2013. She alleged:

1. “He began to teach Sarvangasana and spent the entire demo staring and speaking directly at my chest.”
2. “The whole class went up into Sarvangasana. At this point MM came over, knelt down by my head and quietly told me that I should not wear a bra to the next class. He gave some kind of bogus yoga reason, which sounded purposefully vague..”
3. “In November 2013 when I was in another MM weekend workshop in San Diego. After the Q and A he taught a class centered on chest opening. At one point he taught Dwi Pada Viparita Dandasana over the chair. He came over and gave me an adjustment using his hands to encourage my chest to coil deeper over the edge of chair. It's not a unique adjustment, I've had similar before from other teachers and use it on students myself, but this time my alarm bells went off. Something didn't feel

quite right about the way he was touching me. His hands were pressing too far up on the sides of my breast tissue and his general demeanor felt odd and agitated.”

4. “The class continued on and at some point he taught Ganda Bherundasana, the variation where you roll back and forth over the crown of the skull (Light on Yoga plate 583) to coil the thoracic spine and open the chest even more deeply. Everyone in the room was rolling over the top of their skull. It was an extreme movement and somewhat chaotic in the classroom. In the middle of the movement he came over and put his hands on my chest again. This time he actually stroked his hands down over my breasts and nipples. It was not an adjustment; it was a lightly touched caress.”

EXCERPTS OF EACH COMPLAINT AND EC NOTES:

EC Note: The Ethics Committee reviewed each specific allegation during the monthly conference meeting. We reviewed independently and then discussed the nature of the alleged violations; explored the supporting evidence and statements by both sides; reviewed the circumstances and context of alleged incidents in order to establish with reasonable certainty whether the perception and intention met the criteria of more than reasonable likelihood of a violation beyond a reasonable doubt.

AW: “The following details a series of events where MM groomed and eventually sexually assaulted me during these classes. This grooming happened over many years and culminated in a sexual assault that occurred in a workshop class at the San Diego Yoga Studio on Napier Street in San Diego on November 3rd, 2013.”

EC Note: AW describes her “grooming” by noting that she received extra attention from MM with adjustments. This sense of extra attention is a subjective perception and opinion and not enough to determine “grooming” without further evidence or proof to suggest grooming. There are several instances of students receiving adjustment in an Iyengar class and describing them as helpful rather than grooming.

AW: “For most of the class I got the usual attention from MM. Near the end however, he began to teach Sarvangasana and spent the entire demo staring and speaking directly at my chest. It was uncomfortable and embarrassing. A woman knows when a man is having a conversation with her breasts.”

EC Note: While Ms. AW believes that, it is not supported by any witnesses. We do not have a direct or verifiable proof of his intention. Indeed as we recreate the scenario, it does not correlate with someone demonstrating Sarvangasana and staring at someone’s breast, unless the person was directly bending over the student. Even if that was the case, it is not enough to determine the ethical violation of a sexual assault or misconduct. When in Sarvangasana the practitioner is inverted on one’s shoulders. Seasoned students are fully aware we do not turn the head once in the asana, so as to protect the neck from injury or strain. MM would not be physically able to stare at anything other than his own chest, torso and legs in this pose

AW: “The whole class then went up into Sarvangasana. At that point MM came over, knelt down by my head, and quietly told me that I shouldn’t wear a bra to the next class. He gave some kind of bogus yoga reason, which sounded purposefully vague. I was up in full shoulderstand by this point and could

neither shake no) nod my head. I honestly didn't know whether to believe my own ears and I certainly wasn't going to comply.”

EC Note: This information in and of itself does not give a clear evidence of an ethical violation. There are instances when a teacher has made such recommendation in the context of practicing at home without bra for heavy breasted women with difficulty in Sarvangasana. In this instance, the following explanation by MM appears plausible. There is however a difference in the perception of AW and MM's intention.

MM response: “I have never told a student what to wear or not wear to class. I have on occasion suggested to students struggling with Sarvangasana to practice the pose at home without a bra. This information has never been conveyed in a sexual manner. The reason for the teaching suggestion is that in inversions such as Sarvangasana, large-breasted women will have difficulty breathing and a man or less well-endowed woman will not. Practicing the pose in the privacy of one's home without a bra allows the chest to naturally fall and separate allowing for easier breathing in the pose.”

AW: “Nothing out of the ordinary happened again with MM until a year or so later in November 2013 when I was in another MM weekend workshop in San Diego. In the Sunday morning class he led a Q and A session for the group. I had been working in my own classes with a student who was suffering from amyotrophic lateral sclerosis (ALS). Because of the terminal nature of my student's condition, I felt obligated to ask MM for advice. He answered with the importance of opening the chest and practicing pranayama.”

AW: “After the Q and A he taught a class centered on chest opening. At one point he taught Dwi Pada Viparita Dandasana over the chair. He came over and gave me an adjustment using his hands to encourage my chest to coil deeper over the edge of chair. It's not a unique adjustment, I've had similar before from other teachers and use it on students myself, but this time my alarm bells went off. Something didn't feel quite right about the way he was touching me. His hands were pressing too far up on the sides of my breast tissue and his general demeanor felt odd and agitated. I wanted him to leave me alone but was afraid to speak up and quite literally felt cornered. Then it dawned on me that because of my ALS question from earlier, I had inadvertently given him a perfect excuse to touch my chest as much as he wanted in front of the entire class and no one would suspect a thing.

EC Note: We believe that AW is correct in her conclusion about getting MM's attention and adjustment in this pose because she asked a question about her student with ALS and he replied to teach her backbends to open her chest. We opine that it appears reasonable for MM to adjust AW to show her how to adjust her student. Did his hands go too far up her breast tissue in the process? If so, we are unable to determine whether that was his intention or whether it was an attempt to adjust someone at a sensitive area. Such adjustments are not rare however they can evoke unintended perceptions in the receiver. The adjustment AW describes is a common one, and she admits to having used it on her own students. Most long-term practitioners and teachers have experienced it. It involves adjusting the armpit/chest area of the body in a way that facilitates a greater opening of the chest. The adjustment is given to instruct chest-opening actions in backbends/back extensions. AW suggests that MM's demeanor was odd and agitated. There is no evidence to support or deny the allegation that MM touched her too far up on her breast tissue.

AW: The class continued on and at some point he taught Ganda Bherundasana, the variation where you roll back and forth over the crown of the skull (Light on Yoga plate 583) to coil the thoracic spine and open the chest even more deeply. Everyone in the room was rolling over the top of their skull. It was an extreme movement and somewhat chaotic in the classroom. In the middle of the movement he came over and put his hands on my chest again. This time he actually stroked his hands down over my breasts and nipples. It was not an adjustment; it was a lightly touched caress. MM had groped my breasts right in the middle of the class, but no one else could see because they were all rolling back and forth over the top of-their-own heads- I came out of-the pose bewildered, disbelieving my own senses and wondering what on earth had just happened.”

EC Note: AW was asked for witnesses and was not able to provide any who witnessed these actions. She noted that the class was chaotic. In the absence of a witness of the above incident, the EC is unable to determine the facts underlying this allegation.

MM’s response: I do not recall this particular class in its entirety since it was so long ago, but I do recall that Gloria Goldberg asked about gandha bherandasana. It is a pose I rarely teach and my focus would have been on Ms. Goldberg. I deny that I touched Ms. AW in any inappropriate manner in the pose. Again, the allegation does not make sense. In Plates 571-583 Light on Yoga, I’ve never observed a variation where a hand could touch the breast in the manner claimed by Ms. AW.

AW: I did see him again after that. I even went to a several more of his workshops and trainings. Over two decades of intensive Iyengar Yoga physical and psychological programming is hard to break. I was deeply bound to the ingrained belief that study and practice comes first and foremost and everything else is secondary, so taking classes with the most esteemed senior teacher on the West Coast seemed like a necessary evil.
MM never touched me again, at least not in a sexual way.

EC Note: It is unfortunate when a student feels bound by the belief that she had to study and practice with a view of believing that it was a necessary evil.

AW: I am in touch with a journalist who is willing to break this story. It's going public either way. But first, I want to give IYNAUS an opportunity to do the right thing right now. To do what it should have done over 30 years ago.
Sincerely,
AW, CIYT

EC Note: Despite her initial concerns about the confidentiality and the above statement, Ms. AW made her allegations public while the investigation was underway. The lengthy time of this investigation was necessary given the seriousness of the allegations and both parties were given extra time at their request to gather information, supporting evidence for our review.

AW decided to file this complaint after the Me Too Movement and when someone sent her a copy of a 1991 article written by Bob Frost. She said that she was furious and disgusted by that article.

ETHICS COMMITTEE MEMBER’S OPINION:

The Ethics Committee met on September 10, 2018, a regular monthly meeting that was planned to review this case along with other agenda items. Prior to the meeting

each member was assigned to review the case independently with a goal to conclude whether there is sufficient evidence to determine that MM violated the ethical guidelines as alleged by AW:

EC member 1:

I do not find there is sufficient information to confirm that MM violated the ethical guidelines alleged by AW. It seems to me that there must have been an interaction between AW & MM that was significantly uncomfortable for AW to warrant this complaint. However, there is no evidence to prove what happened. All evidence is hearsay and "he said, she said". In my opinion, MM's denials are plausible.

EC is in a very difficult position. I do not see evidence of ethical violation. MM is a very strong personality and many students find his manner intolerable, but this does not make him a predator. I am not saying any of this to protect him. I simply do not find enough plausible evidence to confirm a violation.

I think this needs to go to the Iyengars. My feeling is that MM would benefit from council of those he holds in high regard. He has ways of expression that can be offensive to some. MM is a strong personality and students who don't know him may take issue with some of his mannerisms, his way of expressing himself. It might be beneficial for MM to explore this some.

EC member 2:

Briefly, I do not believe that there is sufficient information to conclusively determine that a violation has occurred. That being said, I acknowledge that there are many gray areas when it comes down to "he said/ she said." And I also believe that sometimes touch and words can be interpreted differently by the different people involved. I believe that the fact that AW told others of her discomfort after the workshop with MM reflects her perception of the adjustments as being inappropriate. Someone else may not have felt so. That makes it very difficult to take any action in a situation like this. Yet I don't want to totally discount her perceptions, either.

While I feel that we do not have enough to information to take disciplinary action against MM, I think it would be helpful if we could come up with something constructive to suggest re engagement of the broader community in discussions around such issues, including the need for teachers to be diligent in remaining mindful about using language and adjustments in a manner to minimize doing or saying things that are or could be interpreted as inappropriate.

EC Member 3:

I have considered her 4 allegations and MM's response to reach my conclusion that there is insufficient information to confirm that MM violated ethical guidelines. MM does have a strong teaching presence, demanding the student's attention to the practice. To AW, this is interpreted as bullying and abusive and she states set her in a state of fear. This attitude would color how she interpreted his teachings and particularly any physical adjustments he made. In conclusion, because of AW's stated attitude to MM's teachings and the fact that MM's replies to the accusations make

logical sense, I am concluding that there is insufficient evidence of an ethical violation to AW West's complaints.

EC Member 4

Based on the data provided to us by both parties, I do not believe that there is sufficient information to support AW's allegations of Ethical Violations. Her statements describe her subjective feelings and her experience of adjustments, the EC wishes to acknowledge her feelings. However the respondent's explanations as well as EC's review of each incident provide reasonable explanations and do not support the certainty of an ethical violation as alleged by AW.

FINAL CONCLUSION:

The Ethics Committee began the investigation of this case as soon as the formal complaint with details was received on March 31, 2018. The EC acknowledged the fact that the allegations of serious misconduct of sexual nature were directed towards an Advanced Senior Iyengar teacher. It was determined that irrespective of the name or seniority of the teacher, our task was to investigate the underlying facts of the case by obtaining detailed and corroborating evidence from both sides. We have a system that upholds the due process and protects confidentiality.

Given the nature of the allegations, both parties were given the extra time they had requested. After careful and independent review of material from both parties the Ethics Committee concluded the following:

As discussed in earlier sections, the committee unanimously noted that there was insufficient information to conclude that an ethical violation occurred. The Ethics Committee is cognizant of the fact that there are many gray areas when it comes down to "he said/ she said", sometimes touch and words can be interpreted differently by the different people involved. We recognize the fact that Ms. West told others of her discomfort after the workshop with MM reflects her perception of the adjustments as being inappropriate.

Each of the alleged incidents took place in an open and active classroom filled with 30-50 students. However, there was no witness to corroborate her allegations. The serious nature of these allegations warrants a substantial burden of proof.

Although there are no official records, the newspaper article and recent statement from IYNAUS shows that Mr. MM was sanctioned in 1992 for sexual misconduct i.e., "sleeping with his students" and the case was closed after he fulfilled the required sanctions including a public apology and Guruji forgave him.

In 2014, an ethics complaint was filed by a CIYT for using inappropriate language with sexual connotations during a class. Ethics Committee reviewed it and Guruji asked MM to apologize for using the inappropriate and offensive language.

The Ethics Committee noted this past history and weighed it within the context of the current issues. The past history would have significantly impacted the nature of sanctions if there were a determination of an ethical violation beyond reasonable doubt in the present case.

Although the EC did not find sufficient information to determine that a violation took place, it raises significant questions about the perceptions of a student and the intention of a teacher within the context of hands on adjustment. It also raises questions about the dynamics of a student teacher relationship. It will benefit the community to begin a dialogue and education around the perceptions, intentions and the impact of teachers.

The EC wishes to express its appreciation to AW for her decision to file her complaint with EC in spite of her expressed fear of doing so. The EC also appreciates the efforts of both AW and MM to provide their responses to the EC in a timely fashion, and to request an extension when they did not feel it was possible to meet a response deadline. The EC will work with the IYNAUS Board in developing recommendations about next steps in how to address the difficult and important issues raised by this case.

RECOMMENDATIONS:

This case highlights the complexities of a student-teacher relationship in an Iyengar class, which includes physical adjustments, an important skill, and a tool in our system. When the perceptions of the person receiving adjustment differ from the intention of the teacher, it poses a challenge. Both feel their subjective experiences and explanations to be true. To paraphrase Prashant Iyengar, "What was taught (intended) and what was learned (received) are often two different things." We are cognizant of the current issues in our society that underscore the gender and power dynamics underlying relationships in any large system or organization.

The EC realizes the difficulties and pain this case has brought for both parties. Our goal is to learn from this case and honor the wishes and teachings of B.K.S Iyengar by clarifying best teaching practices and training in the art of adjustments. It is within this context that we recommend that IYNAUS take the following actions:

- i) Continued emphasis of ethical standards and codes of behavior for teachers;
- ii) Require teachers to sign off on consent to abide by the Ethical Guidelines and codes of conduct along with the application for assessment;
- iii) Explore ways to:
 - Foster an environment of compassion and friendliness at every level by education and role modeling;

- Create opportunities for teachers and students to engage in dialogue around understanding the purpose and limitations of adjustments;
- Consider ways to help ascertain when a student wishes not to be adjusted;
- Inform students about physical adjustments in asana. It is an essential, important tool that benefits majority of students.

Manju Vachher, Ph.D.
Chair, IYNAUS Ethics Committee

Committee Members:
Robyn Harrison
Faith Russell
Jito Yumibe

CC:
Dr. Geeta Iyengar RIMYI
Manouso Manos
President, IYNAUS*

*Note: This entire report, instead of just the recommendations, is being shared with the IYNAUS president only as an exception because the complainant and the respondent made their information public thus nullifying their confidentiality limits.

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