

October 10, 2018

Re: Prevention of Sexual Misconduct in the U.S. Iyengar Yoga Community

Dear Members of IYNAUS,

We are profoundly grateful for the detailed comments and thoughtful suggestions that IYNAUS members have made on the question of how to prevent sexual misconduct in our community. The board has now received in excess of 150 emails. Each of us has also had many discussions with students and teachers on a one on one basis. Many of us have also attended meetings that were organized to enable a free and open exchange of ideas among larger groups. These issues have galvanized our community like few others. That is vivid testimony to their importance and to the pain and anguish that they create. These events are also vivid testimony to our commitment to disseminating Guruji's teachings and to strengthening Iyengar Yoga in the U.S.

At our Board of Directors meeting on October 6-7, we considered an array of different proposed modifications to our procedures, practices, and policies. We here summarize the changes that we have adopted. Each of these new measures was adopted either unanimously or by very substantial majorities of the Board of Directors. However, some members recused themselves from certain decisions, and some members abstained from certain decisions.

We apologize for the length of this letter and for the level of technical detail on some of the issues. However, we want to make sure that our new requirements are clear to the membership and to the present and future board and committee members who will implement them.

We remind our members that IYNAUS is not a large well-funded enterprise. It has one full-time employee. It has exceedingly limited financial resources. Its work is overwhelmingly done by volunteers who have full time jobs or other responsibilities, who live all over the country, and who generously give IYNAUS the time they can spare. Many of our new policies will receive our highest priority, but the speed at which others will be implemented will depend on the ability of volunteers to undertake them. If you are interested in assisting this effort, please contact our volunteer coordinator, Ann McDermott-Kave amkave1@optonline.net or one of the CIYTs listed below who will oversee particular tasks.

CHANGES TO OUR COMPLAINT PROCEDURES AND PRACTICES

Our sex-related ethical guidelines are not limited to harassment, unconsented touching of sensitive areas, and establishing consensual sexual relationships with students when a teacher-student relationship exists. It is also a violation of our ethical rules for a CIYT to use sexually explicit or violent language, verbally abuse students, or expose sensitive areas when teaching. We will use the term sexual misconduct to refer to all these types of conduct.

We have adopted or will shortly adopt a number of changes relating to the filing, investigation, and decision of complaints that allege sexual misconduct in violation of our ethical guidelines. Some of these changes apply to all ethical complaints.

Increased Transparency. We will add a section to our website explaining the procedures for filing complaints, investigating them, and resolving them. We will develop a form for the filing of complaints and post it online. We will separately prepare a report to the membership on the volume of each type of complaint that has been filed in recent years.

Removal of Barriers to Filing of Complaints. Our rules permit ethics complaints to be filed anytime, regardless of the amount of time that has passed since the events in question. Individuals who file complaints charging violations of our ethical rules are performing a valuable and vital public service to our community, regardless of how the complaints are decided.

We have heard many reports of sexual misconduct in the last two decades that did not result in complaints. We have been told that these and other complaints were not filed due to fears of reprisals and of being stigmatized in our community. We have heard significant anecdotal evidence that individuals who have filed complaints have been harmed in these ways and that reports of these events have exacerbated the fears. The threat of these harms has thus operated as a barrier to the filing of complaints. We have now adopted two separate new rules that should eliminate or significantly reduce these barriers.

Anonymous Complaints. First, we will now permit the filing, investigation, and decision of anonymous complaints in those conditions permitted by the Pune Constitution and basic fairness: that is, when the accused does not need to know the name of the accuser to defend against the charges. This rule would not permit the investigation and decision of anonymous complaints in cases of unconsented touching or other forms of one-on-one sexual harassment and abuse. But they will allow anonymous complaints in many other situations: *e.g.*, claims that sexually explicit or violent language was used in teaching a public yoga class or workshop. We believe that there will be no possibility of retaliation or stigmas when anonymous complaints are filed, investigated, and decided.

Ethical Prohibition on Retaliation. Second, we have amended our ethical guidelines to prohibit any form of retaliation against individuals who file complaints. To implement this important new rule, we will presume that the accused CIYT has committed an unethical act of retaliation if the complainant shows that he or she was harmed in any material ways since the complaint was filed. In particular, we will presume unethical retaliation if there has been any change in the status or compensation of the complainant, if the complainant has been denied any privileges normally afforded such persons, or if there has been any public or private disparagement of the complainant. To prove retaliation, a complainant thus need only demonstrate one of the three latter facts. The burden will then be on the accused CIYT to prove a negative: that the accused did not cause or contribute to these events or that they otherwise did not represent retaliation for the filing of the complaint, in whole or in part.

We are also adopting a presumption that will apply to CIYTs other than the accused. We will presume that these CIYTs are guilty of unethical retaliation if they have caused or contributed to harming the complainant in any of the ways discussed above. To establish unethical retaliation by a CIYT other than the accused, a complainant therefore will merely need to prove that such a CIYT caused or contributed to one of these harms. The burden will then shift to that CIYT to

prove that the events that caused these harms did not constitute retaliation for the filing of the complaint, in whole or in part. We hope the threat of sanctions will cause all CIYTs to resist any entreaties that accused parties may make to harm individuals for filing complaints.

We are hopeful that this new prohibition will prevent retaliation for the filing of non-anonymous complaints, and we are certain it will significantly reduce the threat and fears of retaliation.

Each of these two new rules apply to all complaints charging violations of our ethical guidelines, not merely to those alleging sexual misconduct.

Assuring Ethics Committee Has Necessary Expertise To Decide Sexual Misconduct Complaints. Generally, issues of sexual misconduct are not materially different under our ethical rules than those that arise in the workplace or elsewhere in our society under state or federal law. However, we believe that claims of unconsented touching of yoga students in the context of an Iyengar Yoga class raise issues that require an understanding of Iyengar Yoga, its method of teaching, and the role and effects of physical adjustment in it. At the same time, even these issues are quite similar to those faced in the workplace and in other contexts.

Thus, to the extent that claims of sexual misconduct are presented to the Ethics Committee, we will seek to assure that it has access to the expertise of those who address sexual misconduct elsewhere. We are fortunate that the current chair of our Ethics Committee is a clinical and forensic psychologist who has this expertise and regularly testifies in judicial proceedings involving this misconduct. But that will not always be the case. We have thus already enlisted others in our community with relevant experience to advise and consult with our Ethics Committee, and we will continue to do so. We are also discussing relationship with organizations who consult with not-for-profit and other corporations about the handling of these complaints.

We believe that, with these measures and the other changes that we now adopt, our Ethics Committee will continue to be able to identify and sanction violations of our ethical rules that prohibit sexual misconduct.

Clarification of Standard of Proof in All Complaint Cases. The standard of proof for our ethics complaints is not beyond a reasonable doubt. Violations of IYNAUS ethical standards shall be found by our Ethics Committee (or by an independent investigative body) if it is persuaded by the evidence that it is more likely than not that the claimed violation occurred. In the law, this is known as the preponderance of the evidence standard. We are satisfied that our Ethics Committee has applied this standard in its recent decisions.

Conflict Of Interest. The Ethics Committee has long had a conflict of interest policy. To strengthen it, we are adopting a rule requiring each member of the Ethics Committee to disclose any relationships that could reasonably be believed to call into question the member's ability to decide the complaint impartially. The disclosure is to be made within 10 days of the filing of the complaint. The Ethics committee member will disqualify herself or himself if either party so requests within the next 5 business days. If timely objections are not made to the participation of

the member in question, the parties will be deemed to have waived any objections and to have agreed to the participation of that member of the committee.

Confidentiality in Complaint Proceedings. Our historic practice in ethics complaint proceedings has been one of confidentiality. Under this practice, the complaint, the proceedings on the complaint, the result reached by the ethics committee, its written decision, and the sanctions for any violation were treated confidentially by IYNAUS and by the parties. We also have specifically advised the parties that no portions of certain documents (e.g. Written Decisions) may be publicized. Until recently, there was no public discussion of IYNAUS complaints or any aspect of the proceedings on them.

This practice was understood in complete good faith by our current Ethics Chair to preclude sharing much information about complaints with the IYNAUS President and with any other member of the IYNAUS Board of Directors, except in those instances when a violation was found and the question of appropriate sanctions was referred to the IYNAUS Executive Counsel, pursuant to our by-laws. Consequently, the IYNAUS President did not learn of Ann West's complaint against Manouso Manos until the day the recent KQED article was published.

We have reviewed our practice of confidentiality in complaint proceedings and believe that the benefits of this practice generally far outweigh its costs. Thus, we are formally adopting our historic practice as official IYNAUS policy, with four exceptions.

First, we will now announce on our website if a CIYT's membership in good standing in IYNAUS (and right to use the Iyengar Yoga name and other trademarks) has been suspended or revoked because of findings of any ethical violations, regardless of whether they involve sexual misconduct or other forms of misconduct. We will not announce lesser sanctions, for they represent determinations that there is no significant risk of recurrence of the misconduct.

Second, we adopt a new policy when complaints have been discussed in the press, on publicly accessible websites, on social media, or the equivalent and when both parties have participated in these discussions. This occurred quite recently in the case of two IYNAUS ethics complaint. In these events, IYNAUS will publish the decision of the Ethics Committee (or the results of any independent investigation). Thus, as soon after the publication of this letter as possible, we will post on our website both the decision that the Ethics Committee issued on Ann West's Complaint against Manouso Manos on September 18, 2018 and the decision that it issued on Ekaette Ekong's Complaint against Allan. Nett on September 25, 2018: <https://iynaus.org/recent-investigative-decision>. On October 7, 2018, the IYNAUS Executive Council approved the sanctions against Mr. Nett proposed in the Ethics Committee decision.

Third, the Ethics Committee shall provide the IYNAUS President with copies of any new complaint that is filed and shall also provide the IYNAUS President with copies of all previously filed complaints, at the President's election. The President shall inform the Certification Chair of the names of the parties to each complaint and will have discretion to inform other members of the IYNAUS Board on a "need to know" basis. We determined that these measures are necessary to ensure the effective operation of IYNAUS.

Finally, we reiterate that any members of the board who learn of past or pending complaints will be required to maintain confidentiality and also may not attempt to influence the Ethics Committee's decision on any pending complaint.

We will now take affirmative steps to make certain that parties to IYNAUS complaints understand our policy of confidentiality at the time that each Complaint is filed and that all parties promise to adhere to these requirements.

Suspension of A CIYT's Membership Pending Decision of Certain Complaints. In appropriate cases, IYNAUS will suspend the accused CIYT's membership in good standing in IYNAUS when a complaint is filed and before it is decided: *e.g.*, when there is evidence of a pattern of recurring conduct and a substantial threat of harm to students during the pendency of the complaint.

Priority to Other Complaints Alleging Sexual Abuse. In any other complaint alleging sexual harassment and abuse, it has been the practice of the Ethics Committee to give priority to these complaints and to decide them as quickly as possible. We reaffirm that this is imperative.

Appeals of Ethics Committee Decisions. We are amending our procedures to authorize either party to an ethics complaint to appeal the final decision of the Ethics Committee to the IYNAUS Executive Council.

Independent Investigations of Complaints against Manouso Manos. We have complete confidence in the integrity of each member of the IYNAUS Ethics Committee and in each member's commitment to fairly decide complaints brought against even our most senior teachers. However, because of the seniority and influence of Manouso Manos in our community, we are persuaded that there is an appearance that the members of this committee are biased in Mr. Manos's favor and cannot decide complaints against him impartially.

We therefore conclude that independent investigations of any complaints against Mr. Manos are necessary to assure that the complainants, our membership, and the public have confidence that our ethical guidelines are enforced equitably across certification levels and that IYNAUS is seeking to assure the safety of those who study with all our teachers. For the same reason, these investigations will protect Mr. Manos if he did not commit the alleged violations, for only an independent investigation can credibly clear his name. We note that independent investigations have been ordered when powerful members of other yoga systems have been accused of misconduct. So we are following the best practices in the larger U.S. yoga community.

As noted, on September 18th, the Ethics Committee issued a decision on Ann West's complaint against Mr. Manos. Ms. West has indicated an intention to appeal the final decision, and we have now authorized such appeals. For these reasons, we will arrange, at the earliest possible time, an independent investigation of Ms. West's complaint as well as any other complaints against Mr. Manos. We will seek to engage one or more reputable firms to conduct these investigations.

We emphasize that the hard work of the Ethics Committee on Ms. West's Complaint will not have been in vain. Knowledge of our system of yoga will be required in any independent investigation of any ethics complaint against any of our teachers, and the members of the Ethics Committee will need to participate in these investigations to respond to questions from the investigators. They will essentially appear as "expert witnesses" about our system in general and the role and effect of physical adjustments in particular. Thus, even when complaints are referred to independent firms for investigation, the Ethics Committee can and should provide its own evaluation and submit it to the independent firm. In the case of the pending complaint filed by Ms. West, the firm hired to conduct the independent investigation will have the benefit of the September 18th Decision of the Ethics Committee and of the evidentiary record that the Ethics Committee assembled.

We also will provide other information to the firm that conducts this independent investigation. With the permission of these members, we will provide the firm with all the emails and other materials that members of our community have submitted to the members of the IYNAUS Board of Directors in response to our President's letter of September 12. These emails were submitted after the Ethics Committee had closed the record of its investigation and were not considered by it. Also, most of these emails were sent after the Ethics Committee issued its September 18 decision. If the independent firm wishes to discuss issues with members of our community, we will help them do so as needed. So the independent firm will have a different and broader record for review than did our Ethics Committee.

We anticipate that this independent investigation will require IYNAUS to incur very significant additional costs. However, even if that were to mean that IYNAUS must curtail its other activities, we have concluded that IYNAUS cannot afford not to incur the costs of an independent investigation. It is the only way to assure public confidence in Iyengar Yoga in the U.S., and without public confidence, nothing else matters. It is the only way to assure that Ms. West and other complainants have confidence that complaints against Mr. Manos will be fairly resolved and will result in determinations of guilt if the ethical violations are proven. An independent investigation is also the only way to allow Mr. Manos credibly to clear his name if he is innocent.

We are hopeful that some of our members may wish to make charitable contributions to IYNAUS to help us maintain our historic functions when we incur these other necessary and significant costs. We will also explore other means of increasing our revenues. But we will incur the costs of these independent investigation in all events and regardless of the consequences for our other activities.

Violations of Our Confidentiality Policy by Parties to IYNAUS Ethics Complaints. We are hopeful that the measures we have adopted will assure all our CIYTs and students that we are committed to elimination of sexual misconduct by our teachers and to the protection of the safety of our students. We are hopeful that these measures will also assure that all our CIYTs and students have confidence that all our teachers will be held to all our ethical standards.

We are thus also hopeful that these measures will eliminate any incentives for parties to our complaints to breach our policy of confidentiality set forth above. At the same time, unless other

measures are adopted now, we believe that IYNAUS's ability to enforce our ethical guidelines in the future may be severely impaired.

We emphasize that the members of our Ethics Committee are volunteers who are devoted to our method, who work very hard in a largely thankless job, and who do their best to determine the facts and fairly apply our ethical rules. We now have an exceptional committee, made up of one CIYT certified at Intermediate Junior I, one CIYT certified at Intermediate Junior III, and two CIYTs certified at Intermediate Senior I. They are each serious, disciplined, conscientious, and highly analytical people, but the public discussion of two complaints that occurred in the recent past resulted in unrelenting pressures on and public criticisms of these volunteers. We fear that other people of this caliber will not volunteer to undertake this important task in the future if they are subjecting themselves to the risks of such occurrences.

Accordingly, we are now taking steps to enforce our policy of confidentiality. We are amending our rules to make it unethical for any CIYT to breach our policy of confidentiality and to cause or contribute to publication of any information relating to an IYNAUS ethics complaint in the press, on a publicly accessible website, on social media, in mass emails, or the equivalent. We emphasize that complaints will be decided by the Ethics Committee based on the evidence, even if they are publicized. But any CIYT who publicizes a complaint will be subject to sanctions. We will be available to provide guidance to any CIYT who has questions about the scope of this prohibition in particular situations.

Limits On IYNAUS's Sanctions and Other Powers. Finally, we are concerned that some IYNAUS members and students may have unrealistic ideas about what may be accomplished through the IYNAUS complaint process or otherwise by IYNAUS's part time volunteers. There appear to be widespread misconceptions about what IYNAUS is and is not.

First, IYNAUS does not operate yoga studios, and it does not employ teachers. It therefore cannot summarily suspend or fire teachers based on mere suspicions. Nor are we in a position to monitor the workshops that yoga studios offer and to disclose information to prospective students about the teacher at an upcoming workshop. The studio that offers a workshop is alone in a position to assure that prospective workshop students are reasonably informed.

Second, IYNAUS is not a licensing agency. Individuals do not need Iyengar Yoga certification to teach, and individuals can and do continue to teach after "leaving" our system. Indeed, we do not even grant teaching certificates. While IYNAUS conducts assessments, the certificates are issued by RIMYI. When teachers leave our system, RIMYI allows teachers to keep their certificates, and it is not a violation of the Iyengar Yoga trademark for these teachers truthfully to say that they previously were granted their certificates and that they studied at RIMYI or with CIYTs.

Rather, IYNAUS is a membership organization that performs a number of educational functions and that has ethical rules for those of our members who are CIYTs. When ethical complaints are filed, we can find ethical violations only when the evidence persuades our Ethics Committee that the violations occurred. Because we are a membership organization, the ultimate sanction that we can impose is limited to revocation of the CIYT's membership in good standing in IYNAUS.

If a CIYT's membership in good standing in IYNAUS is revoked (or if it is suspended), that now also has the consequence of revoking (or suspending) the CIYT's right to use the Iyengar Yoga trademark and service marks, absent other actions by the owners of this intellectual property (Geeta and Prashant Iyengar). Whenever an ethical violation is found, we consider a range of lesser sanctions in addition to suspension or revocation of membership in good standing.

Several of you have objected to the role of RIMYI in our decisions on the appropriate sanctions when ethical violations have been found. You state that these decisions should be based on what is in the best interests of the members of IYNAUS in the United States and that the decisions may not be controlled by RIMYI. That is correct. IYNAUS is a Section 501(c)(3) corporation devoted to educational purposes, and we are thus obligated to make decisions in this way. However, we are permitted to consult with Geeta and Prashant Iyengar and others at RIMYI. When we do, we will hereafter assure that future sanction decisions represent our independent judgments of how best to promote the interests of our members.

Finally, while our sanctions have great significance to our CIYTs, they are limited. IYNAUS cannot and does not offer protections to victims of sexual or other misconduct that mirror those available under state and federal law. If you are the victim of sexual misconduct, we urge you to consider the remedies that you have under state and federal law, including filing criminal complaints, filing personal injury actions in court, and pursuing any available remedies before state or federal administrative agencies. These remedies often permit far more significant factual investigations than IYNAUS can realistically conduct. They can also result in sanctions IYNAUS cannot order, including criminal penalties, awards of money damages to the victim, injunctive relief, and other measures. Above all else, if you are victim of sexual abuse, please consider counseling.

We regret that IYNAUS is not constituted to solve all problems that many of you have identified, and we urge any victim of sexual abuse to consider all the remedies that IYNAUS cannot offer.

NEW EDUCATIONAL REQUIREMENTS FOR CIYTs.

We also now adopt new educational requirements for all CIYTs, regardless of their levels of certification.

We will require all CIYTs and all candidates for Introductory I/II assessment to complete courses designed to prevent sexual misconduct. Marla Apt has agreed to chair a committee that will identify, or develop, the necessary courses. Her committee's charge is to establish a course of study that will sensitize CIYTs to all forms of sexual misconduct in the teaching of Iyengar Yoga and in how to avoid or prevent this conduct. Our hope is that the required courses can be available online and that we can announce them before our April 2019 convention in Dallas. If you are interested in serving on this committee, please contact Marla Apt, marla@yoganga.com.

Relatedly, we will establish guidelines on physical adjustments for our CIYTs. Informed consent will be the touchstone, and we will consider whether there are parts of the body that should not be intentionally touched even with informed consent. Lisa Jo Landsberg has agreed to chair the committee that will develop these guidelines and to present them to the IYNAUS Board

of Directors for adoption no later than February 1, 2019. These guidelines will be incorporated into the required courses on sexual harassment. If you are interested in serving on this committee, please contact Lisa Jo Landsberg, lisajland@hotmail.com.

All the members of IYNAUS's Board of Directors will be required to take these courses, including the four current members who are not CIYTs.

IYNAUS SENIOR ADVISORY COUNCIL AND ASSESSORS

Senior Advisory Council. Many have expressed concerns that Manouso Manos was a member of the IYNAUS Senior Advisory Council during the pendency of the Complaint filed by Ann West. The members of this Council are appointed by the IYNAUS President, and their primary historic function has been to respond to questions from the IYNAUS President about protocols relating to communications with the Iyengar family and RIMYI. Our current President David Carpenter has consulted the Council on only one issue during his tenure: a proposal that we ask IYNAUS members to petition Geeta and Prashant Iyengar to name a yoga pose after Guruji. When David did so, he also consulted with several other senior teachers, and he gave equal weight to the views of each teacher that he consulted. Thus, membership on the Council now has no independent significance.

That said, there was a definite appearance of impropriety for Mr. Manos to have been on this Council during the pendency of the Complaint. Even if Mr. Manos were not otherwise an influential member of our community, the accuser and members of the public could have reasonably concluded that his presence on the council would cause the Ethics Committee to be biased in his favor.

If David Carpenter had been informed when the Complaint against Mr. Manos was filed, he could have addressed that situation. As noted above, he was not. He learned of the Complaint only when the KQED article was published. Because the Ethics Committee has now issued its decision and because we have required that this decision be reconsidered in an independent investigation, the specific concern that was previously expressed is moot.

These events have caused us to reconsider whether we need a Senior Advisory Council. It undoubtedly served a purpose when IYNAUS was first created in 1992. However, with the intervening development of email, IYNAUS Presidents now can and do efficiently consult with many senior teachers when there are issues of protocol involving the Iyengar family. We thus have concluded that the Senior Advisory Council is no longer necessary, and we have amended our By-Laws to abolish it.

Assessment. Some have contended that both Manouso Manos and his wife Rita Manos should not now serve as assessors. Assessor assignments are made in the spring of each year. Last spring, neither Manouso Manos nor Rita Manos made themselves available to assess, so neither is scheduled to conduct assessments this year. Any assessor who is the subject of a pending complaint will not be assigned to assess in future years, so Mr. Manos will not be assigned to assess during the pendency of the independent investigation of him. There are no pending complaints against Rita Manos, and we reject any suggestion that Ms. Manos should be

categorically excluded from assessments simply because accusations have been made against her husband.

CONCLUSION

We will monitor the effectiveness of the new measures that we have now adopted. If they are not as effective as we believe that they will be, we will consider and adopt further changes in our procedures, practices, and policies. We are committed to taking all necessary and appropriate steps to assure the safety of students of Iyengar Yoga in the United States.

Yours in yoga,

IYNAUS Board of Directors.