

## Clarifying Statement In Response To Manouso Manos and His Lawyers

Manouso Manos's March 8 resignation letter and the 23-page letter of his lawyers are posted on Manouso's website. [www.manouso.com](http://www.manouso.com). In these letters, Manouso and his lawyers make many inaccurate statements about our independent investigator and about IYNAUS, its President, and its board. We here clarify the facts.

### **IYNAUS has made no claims against Manouso.**

- Manouso has not been "accused of misdeeds by this organization." IYNAUS has not accused Manouso of anything. Students from Manouso's classes have accused him of improper sexual touching. IYNAUS must now assure the fair and accurate investigation of these allegations.

### **The Ethics Committee Decision on the Ann West Complaint**

- One such complaint against Manouso was filed by Ann West (AW) on 3/14/18. Our Ethics Committee (EC) decided this complaint on 9/19/18. It concluded that there was "insufficient information" to conclude that the alleged sexual touching had occurred.
- Under our Bylaws, all EC decisions may be reviewed and revised by the IYNAUS Board. In October, we exercised this existing authority to review the EC's decision on the AW complaint. We did not "retroactively" authorize review of this EC decision.
- In this review, we decided that because of Manouso's seniority in our community, neither the EC members nor anyone else in our community would appear capable of rendering an unbiased decision and that an independent investigation is required.
- As a technical legal matter, we "reversed" the EC's dismissal of the AW complaint and required that the complaint be reconsidered by an independent investigator. This was not a determination that AW's allegations are correct. The independent investigator will decide that question.
- There were other aspects of the EC's investigation and decision that compounded the appearance of impropriety.
- The EC then included long time regular students of Manouso. They should not have participated in the investigation and decision unless (1) the EC informed AW of their relationships with Manouso at the outset and (2) AW consented after being told she had a right of object. This did not occur.
- It is irrelevant that AW knew who was on the EC before she filed the complaint. She had a right to have her complaint decided by individuals who did not appear biased. That required that long time regular students of Manouso "recuse" themselves absent AW's clear consent.
- It is irrelevant that AW had been at a prior Manouso workshop that was also attended by these EC members. AW may not have noticed them at the time. If she had then, she may not have remembered seeing them when she later filed her complaint.
- Further, the mere fact that EC members were at one workshop didn't show that they were long time regular Manouso students. Because the EC did not disclose that some

EC members were Manouso's longtime regular students, it is impossible to assert that AW "knew" this fact.

- Even if she had known, it cannot be said that she "saw no conflict" when the case was filed. That's because no one told her that she was obligated to object at that time if she saw a conflict.
- The investigation itself also had serious deficiencies. The EC did not interview either AW or Manouso. This was contrary to standard procedures in sex abuse investigations and contrary to the prior practices of the EC in other complaints.
- The EC also did not contact eyewitnesses who had identified themselves.
- We emphasize that we believe that the EC members acted in good faith. These were novel issues for the EC. We believe that the EC members were conscientious and did their best.
- The EC members are individuals who volunteered to perform important service for our community. It is very unfortunate that events have caused their actions to be publicly scrutinized and criticized.
- At our October board meeting, we adopted measures to prevent that from happening again. We will consider other policy changes relating to the EC after we receive the report from the independent investigation.

### **The Independent Investigation**

- We decided that the independent investigation would not be limited to the AW complaint. We decided it would include other then-pending allegations of sexual misconduct by Manouso and any other such allegations made before 11/30.
- To conduct the investigation, we hired Bernadette Sargeant. She has conducted hundreds of sensitive investigations -- including dozens of sex abuse investigations -- for the U.S. Congress, the U.S Department of Justice, other government agencies, corporations, and associations like ours.
- Ms. Sargeant is not an Iyengar Yoga practitioner. But she has now interviewed or otherwise been provided the views of many "expert witnesses" in our community.
- She has focused her investigation on whether there has been sexual touching that cannot be characterized as a legitimate physical adjustment.
- Ms. Sargeant follows well accepted procedures that are designed to ensure fairness to both those making allegations and to those who have been accused of sexual or other misconduct.
- In independent investigations, it is well accepted that accused parties will be asked first to sit for an interview in which they are asked questions. They have no right of "discovery" before there is an interview and no right to use the interview to present a previously prepared defense.
- This procedure gives the accused a full and fair opportunity to respond to questions. As Ms. Sargeant told Manouso's lawyers, after a question is asked, he would be permitted to take a break and consult with his lawyers or others before responding.
- Ms. Sargeant also told Manouso's lawyers that he would be permitted to submit supplemental information after the interview.

- Manouso states that Ms. Sargeant “will consider complaints” without telling Manouso “anything about them, including any specifics of their allegations.” Manouso’s statement is not true.
- We have repeatedly told Manouso that findings of ethical violations will not rest on “anonymous” information in any situation in which he needed to know the name of the accuser to respond.
- We have also said that findings of ethical violations will rest solely on accusations of individual who authorize use of their names and that information from “anonymous” sources will be used only for corroboration. To be corroborative, the “anonymous” information must be found credible.
- We made these same statements to the Iyengars in a [November 27 letter](#) that we now make public.
- The assertions that IYNAUS or the independent investigator have disavowed these representations are not true.
- Ms. Sargeant also repeatedly told Manouso’s lawyers that he would be given sufficient information to respond to any question. And he could have simply said that he didn’t have enough information to respond if he believed that this was the case with any particular question.
- If Manouso’s lawyers had any doubts about Ms. Sargeant’s intentions, they knew that Ms. Sargeant works for IYNAUS and that we told her, Manouso, and the Iyengars how anonymous information could be used.
- If Manouso’s lawyers had any genuine issue with Ms. Sargeant, all they needed to do was contact the IYNAUS President, as they had about other issues. The issues would have been quickly resolved with a simple email or phone call. But they didn’t contact him.
- We believe that the fairness of this process will be clear from Ms. Sargeant’s report. It also would have been clear to Manouso if he had not refused to sit for an interview.
- Ms. Sargeant interviews every source. Contrary to Manouso’s lawyers, Ms. Sargeant thus could not be misled into thinking that an individual who emailed her from multiple email accounts is several different people.
- Ms. Sargeant has also verified the identity of each person she has interviewed in this investigation, including those whose names will not be made public.

### **IYNAUS Governance and Manouso’s 11/7 Settlement Offer**

- Under the IYNAUS Bylaws, the IYNAUS Board of Directors sets general policies, but a 10-member subset of the Board (the IYNAUS Executive Council) exercises all corporate authority for IYNAUS and acts for the IYNAUS Board other than at the annual all member meeting.
- The entire 23-member board unanimously ordered the independent investigation, with five members recused and one member absent.
- On October 7, a 4-member committee was established to oversee the investigation, subject to the oversight and control of the Executive Council. The independent investigation committee members are David Carpenter, Randy Just, David Larsen, and Denise Rowe.

- On November 7, Manouso offered to resign if IYNAUS terminated the independent investigation. He did not offer to stop using the Iyengar Yoga name, unless the Iyengars directed him to stop.
- On November 8, the Executive Council voted to reject this offer in a telephonic meeting. Like all actions of the IYNAUS Board, this decision was based on our mission and on our Bylaws.
- Whether or not Manouso is currently an IYNAUS member, an unbiased independent determination of these issues will be critical to addressing many issues in our community, in restoring confidence in IYNAUS and Iyengar Yoga, and in contributing to an important national discussion and debate.
- If Manouso were found innocent, that would have immense importance for our community and its reputation.
- If he were found guilty and particularly if a pattern of sexual abuse were found over a period of many years, it would raise profound issues about the appropriateness of IYNAUS's past actions, about our culture, and about future restorative and other steps to be taken in our community.
- And questions of sexual abuse in yoga have been much discussed in the press and have great public importance. The results of this investigation will be matters of intense interest to legislators, regulators, other leaders, and to the public in the U.S. and in much of the rest of the world.
- The Executive Committee thus concluded that Manouso's resignation could not itself justify termination of the investigation.
- In a November 9 telephone call with Manouso's lawyers, the IYNAUS President invited Manouso to make other settlement proposals and promised to take any new settlement offers to the IYNAUS Executive Council. But no other settlement offers were made.

### **IYNAUS's Communications on These Issues with the Iyengars**

- Manouso has now disclosed that he wrote the Iyengars on November 13. On November 15, 2018, the Iyengars emailed the IYNAUS President a letter addressed to him and the IYNAUS board. The letter asked the board to reconsider whether an independent investigation is appropriate.
- From the letter, it appeared that the Iyengars had been provided inaccurate information about the EC investigation and decision of the AW complaint and that the Iyengars also had not been told that there were pending allegations against Manouso other than AW's.
- The letter was read to Executive Council members over the phone. It was not circulated to the full board. The Executive Council made that decision because some board members had recently leaked information, and it feared that release of the letter would severely harm Iyengar Yoga.
- In particular, the Iyengars' letter stated that IYNAUS should "bear in mind that Manouso is a very senior member of our family" and "should have gone out of its way to protect its family members." The Executive Council feared that this statement would be misconstrued if made public.

- But it is now clear that the Iyengars will not protect senior teachers engaged in sexual abuse. At a December 10 meeting in Pune, Geeta and Prashant each are reported to have said that Manouso will be punished if found guilty of the charges.
- We thus now release the [Iyengars' 11/15 letter](#).
- Following consultation with three senior teachers not on the Executive Council, the independent investigation committee prepared a draft response to the Iyengars' 11/15 letter. This response was modified and then approved by the IYNAUS Executive Council on 11/26, and emailed to the Iyengars on 11/27.
- This response reconsidered the need for the independent investigation in light of the Iyengars' 11/15 letter. It set forth the facts about the EC's AW decision, stated that other allegations had been made, and again concluded that it is IYNAUS's duty to conduct the investigation.
- We have released IYNAUS's 11/27 letter to the Iyengars.
- On December 10, the Iyengars convened a meeting of board and ethics committee members who were then in Pune. Three of the seven board members who attended had been read the 11/15 Iyengar letter and sent IYNAUS's 11/27 response. They responded to the Iyengars' questions.
- After the December 10 meeting, all board members were told why they were initially not given the 11/15 RIMYI letter and the 11/27 reply. They understand that these were compelling reasons. But, with the benefit of 20-20 hindsight, the Executive Council regrets the choice it made.
- The Iyengars did not announce any conclusions at the 12/10 meeting. Under the standard protocol, the Iyengars would have then sent us a letter signed by each of them if they wanted the independent investigation ended. The Iyengars have not done so.
- We understand that the Iyengars are now awaiting the independent investigator's report.

### **Manju Vaccher's Resignation and the Appointment of Michael Lucey As New EC Chair**

- Manouso's lawyers cite statements from Manju's Vaccher's letter resigning from the IYNAUS board. The event that triggered this resignation was unrelated to the independent investigation. It related to whether Manju would provide the IYNAUS President with newly filed and past complaints.
- This issue was extensively discussed at our October Board meeting. We then determined that sharing this information raised no valid concerns about confidentiality and that past failures to share the information had harmed IYNAUS and Iyengar Yoga in the U.S.
- This was not a decision of a "small subset" of the board. As our public board minutes state, 21 of the 23 members of the board voted in favor; one member was absent, and Manju recused herself.
- We respect Manju's right to resign rather than comply with a decision she believed unethical.
- Michael Lucey has been elected to succeed Manju as Ethics Chair. He previously served as a member and later as chair of the Ethics Committee. He is also a former IYNAUS President. He has agreed to serve as Ethics Chair during a transitional period.

### **The Attempts to Schedule An Interview with Manouso**

- On 10/30/18, our independent investigation committee informed Manouso that Ms. Sargeant had been hired and would be contacting him about an interview.
- Ms. Sargeant made this request by email on December 11. At Manouso's lawyers' request, they discussed the procedures for an interview with Ms. Sargeant at length on December 20.
- Manouso's lawyers then said they would inform Ms. Sargeant during the week of January 6, 2019 if there were conditions in which Manouso would sit for an interview.
- Manouso's lawyers did not communicate with Ms. Sargeant in January or early February. On Feb. 13, she wrote to confirm that Manouso would not be sitting for an interview. Manouso's lawyers then requested a phone call on February 20. It rehashed the same grounds as the 12/20 call.
- On that call, Manouso's lawyers said that they would tell Ms. Sargeant whether Manouso would sit for an interview on March 8. This had the effect of delaying the independent investigation for an additional three weeks.
- Manouso and his lawyers released his letter of resignation and the communication from his lawyers on 3/8. His lawyers then also said that he would not sit for an interview.

### **Manouso's Threat of Litigation Against IYNAUS and IYNAUS Board Members**

- On November 8, Manouso's lawyers were informed that the IYNAUS Executive Council concluded that Manouso's resignation, would not warrant terminating the independent investigation. His lawyers knew that the investigation continued in the interim.
- The fact that Manouso has declined to be interviewed is no impediment to completing the investigation. Manouso had a right to be interviewed that he declined to exercise. It is not uncommon for accused parties to decline interviews in independent investigations.
- On March 12, Manouso's lawyers sent a letter to each member of the IYNAUS Board of Directors.
- This letter reserved the right to bring litigation against IYNAUS and against each of the board members if any portion of Ms. Sargeant's report or the underlying information is either sent to the Iyengars or made public.
- We now release the [March 12, 2019 letter](#) of Manouso's lawyers.
- The independent investigation has been virtually complete for some time and Ms. Sargeant is now finalizing her report.
- In light of the threat from Manouso's lawyers, the IYNAUS Board has retained counsel to advise us on the uses to be made of Ms. Sargeant's report and findings after we receive them. We expect to receive advice shortly.

### **The Entire IYNAUS Board Has Authorized This Response.**

- The entire 23-member IYNUAS Board of Directors had a telephone meeting on March 15 at 1 pm PST. It then approved the email to the IYNAUS membership that was sent later that day and this Clarifying Statement. The minutes of this meeting are

available with other publicly shared minutes at the bottom on the Member Benefit Section of the MyPage portion of the website..

Yours in yoga,

IYNAUS Board of Directors