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AND SRI LANKA

March 8, 2019

## VIA E-MAIL

Bernadette C. Sargeant  
Stinson Leonard Street LLP  
1775 Pennsylvania Avenue NW, Suite 800  
Washington, DC 20006-4605

David Carpenter, IYNAUS President  
IYNAUS Board of Directors  
IYNAUS Ethics Committee  
IYNAUS Members  
B.K.S. Iyengar Yoga Centers of San Diego  
National Association of the United States  
P. O. Box 184  
Canyon, CA 94516

### **Re: IYNAUS Independent Investigation of Manouso Manos**

Dear Ms. Sargeant, Mr. Carpenter, IYNAUS Board of Directors, IYNAUS Ethics Committee, and IYNAUS Members:

IYNAUS was founded in 1991 as a non-profit organization with the mission to promote “the art, science and philosophy of yoga according to the teachings of B.K.S. Iyengar.” IYNAUS oversees teacher training guidelines in conjunction with direction from Dr. Geeta S. Iyengar and Sri Prashant S. Iyengar at the Ramamani Iyengar Memorial Yoga Institute (RIMYI) in Pune, India.

Manos began his studies with Sri B.K.S. Iyengar in 1976 and holds one of only two Advanced Senior certificates granted worldwide by B.K.S. Iyengar. Manos has taught thousands of students worldwide for more than four decades.

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IYNAUS has historically maintained Ethical Guidelines for all Certified Iyengar Yoga Teachers (CIYT) and an Ethics Committee, which is responsible for investigating and ruling on the validity of complaints of alleged violations of the Ethical Guidelines. IYNAUS, however, expressly represents to the public and its members that the ethical guidelines do “not create any liability on the part of IYNAUS.” For years, the Ethics Committee has considered and resolved complaints consistent with the IYNAUS policies and procedures, including fairness and due process standards.

As you know, our office represents Manos with regard to the Ethics Committee complaint made by Ann West and the “independent investigation” of both her complaint and any other complaints, which were solicited by IYNAUS, against Manos. Despite repeated requests, IYNAUS and the investigator have refused to provide Manos with any information about any complaint other than West’s. Yet contrary to prior representations by IYNAUS and the investigator, the investigator has now said that any of those complaints could be used by her to reach her factual conclusions and recommendations. Incredibly, notwithstanding the refusal to provide Manos with any specifics about any other complaints, the supposedly impartial investigator has asked if Manos will agree to sit for an interview. Although Manos and his counsel would like to facilitate an interview, we must respectfully decline to do so given the way in which the “independent” investigation has proceeded. The current process lacks fundamental fairness and deprives Manos of basic due process. This is made readily apparent not only by the refusal to provide Manos with any information about additional complaints, but by the investigator’s stated intention to consider both anonymous and confidential complaints that Manos will never even be fully confronted with. The organization has diverged from the scope and purpose of its mission and serving its members, the majority of whom oppose the independent investigation, by improperly succumbing to the pressure of media, posts on social media, and a select few opponents of Manos through orchestrating the “independent investigation.”

IYNAUS has repeatedly represented that the “independent investigation” should be a “fair and reasonable process” and that due process should apply. Unfortunately, as set forth below, a review of the history of this matter demonstrates that precisely the opposite has occurred.

### **West’s Complaint [March 31, 2018]**

In November 2017, West anonymously contacted the Ethics Committee on several occasions to inquire about making a confidential complaint. The Ethics Committee Chair responded to her inquiries, and provided West with information on the Ethics Committee’s due process and informed her that Ethics Committee complaints are subject to confidentiality rules, which are set forth in the Ethical Guidelines and made publically available on IYNAUS’ website, which West reviewed. The names of the Ethics Committee members were also disclosed to West.

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On March 31, 2018, the Ethics Committee received a letter from West alleging that Manos violated the Ethical Guidelines. In her letter, West alleged Manos made an inappropriate look and comment to her in a 2012 class and that while attending a workshop/class taught by Manos in San Diego in November 2013, Manos “assaulted” her sexually. The specific alleged violations were as follows:

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 Manos 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 Manos 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.”

West notified the Ethics Committee members “My Expectations: 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.”

On or about April 5, 2018, the Ethics Committee informed Manos, in writing, of the specific allegations made by West and provided him with information on the complaint process as follows:

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EC [Ethics Committee] has a mandate to follow up on formal complaints against any CIYT to investigate it further by contacting the named party in the complaint and due process warrants a written response by the named party to the allegations/complaint.

\* \* \*

As part of this due process, we are sending you Ann West's complaint for you to review and to respond . . . . The EC will review the written statements received from all parties involved (the complainant and the respondent).

Based on the review of all statements and any related written material provided, the EC will deliberate to determine whether there has been a violation of ethical codes that warrant further actions as outlined in the Ethical Guidelines for CIYTs. Finally, we will communicate the outcome to all parties involved.

\* \* \*

We understand the sensitivity of these complaints and the concerns and questions they raise. We ask that you respond to the specific complaints as outlined above. We are committed to hearing all that you have to say and promise a thorough, thoughtful and fair exploration to reach a considerate resolution for all parties involved.

Other than simply denying any inappropriate conduct, the nature of West's allegations placed Manos in the difficult position of trying to prove a negative – that he did not inappropriately look at or touch West – and moreover trying to disprove West's subjective perceptions.

On May 23, 2018, Manos provided the Ethics Committee with his written response, which stated, in part:

Let me also express my sadness over Ms. West's complaint. I do not wish to hurt anyone in word or deed even by accident or misunderstanding. I have devoted 42 years of my life to teaching and educating tens of thousands of students in a professional and ethical manner. **I categorically deny Ms. West's allegations**, but still feel horrible that a student of mine has these feelings. (emphasis added.)

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I am shocked that any adjustment I may have provided to Ms. West in a classroom filled with 50 students has been characterized by her as an “assault” of a sexual nature. That is a very serious accusation and one I do not take lightly. It is clear from the complaint that Ms. West has animosity toward me based on her subjective beliefs, but I assure you the conduct she describes never occurred.

Manos’ response explained that the workshop West took was attended by about 50 students in each class; the class would have lasted anywhere from 2-4 hours; roughly 20-30% of his time teaching a class involves adjustments; and before he places his hands on any student to make an adjustment he generally asks the student for permission. Manos denied each of the four items at issue and provided specific information to support his position.

The Ethics Committee asked West to provide any supporting information to corroborate her allegations (witnesses in the room). West requested additional time to do so and was granted two separate extensions. On August 6, 2018, West provided to the Ethics Committee two anonymous letters, a letter from her husband dated 7/28/18, a police report dated 3/20/18, and a letter from Charlotte Bell dated August 3, 2018 (which alleges an inappropriate adjustment from Manos about 30 years ago). Despite West being asked to provide witnesses to the alleged incidents, none of these individuals described witnessing the alleged behaviors or being present during the alleged incidents; rather, they simply reported what West told them had occurred.

While West could not provide any witnesses to support her allegations, there are several witnesses who have provided information which refutes West’s claim. For example, one student who was in the November 2013 class explained:

I have been a student of Manouso’s for over a decade and have participated in nearly 100 of his workshops, all over the United States and internationally, so I have witnessed Manouso’s teaching in a variety of settings.

\* \* \*

I was in the class at the San Diego Yoga Studio on Napier Street in San Diego on November 3, 2013. . . . I remember the class very well because Manouso spent a lot of time adjusting me and working with my injury, and I still use what I learned in that class to take care of my neck in my daily practice. I have the notes I took over the weekend. The studio in San Diego is small, maybe 850 square feet, and the 50 or so students were in close proximity to each other. Manouso has a commanding presence, so all eyes and ears are on him while he instructs and adjusts. I watch him like a hawk and know where he is at all times. I pay special attention when he adjusts

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another student, because he is a master at therapeutics, and I want to learn as much as possible so that I can help my own students. Other teachers have confirmed that they watch him as intently as I do. It is impossible to believe that he stared at a woman's chest without being noticed by me and by many others in the class. It is impossible to believe that he could have whispered into a student's ear without being heard by any of those close around him. We were too near to each other for the actions alleged by Ann West, in her original complaint, to have gone unobserved and unheard. It would have been impossible in the pose *gandabherundasana* for Manouso to touch a breast in the manner described in West's complaint. There were several students in alternative poses, so all eyes had to be on Manouso as they always are. He demands attentiveness in his classes, so that there is never a moment when he can feel that no one in the room is tuned in to what he is doing. Through 42 years of teaching thousands of students all over the world it defies belief that Manouso would choose to target Ann West in San Diego to "groom" her for an alleged assault that would last only a second. Grooming, in this context, is a serious word and used to describe the insidious actions of a deranged and evil adult preparing a child for sexual assault. Ann West is a grown woman, free to choose whatever yoga class she wishes to attend, with whomever her teacher might be. She chose Manouso for a teacher, not the other way around. Over the years I have studied with Manouso, I have watched many women express their availability to him, sometimes to the point of embarrassing themselves. I have also witnessed the anger these students feel when Manouso tactfully and wisely ignores their overtures or their need for attention. In one such incident, a student submitted an ethics complaint about Manouso's language because she did not receive the attention she wanted from him. I was a participant in that class, too.

There can be no Iyengar yoga without touch and adjustments. Words cannot convey as quickly and accurately the knowledge and technique that a simple adjustment can bring. Adjustments can awaken areas of the body that words cannot reach. I have seen Manouso use his strong hands to make adjustments for both men and women. Never had I thought his touch might be inappropriate. I have experienced and benefited from his skillful adjustment myself, many times. His adjustments help students make radical changes needed to benefit from a pose.

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### **West Publicizes Her Complaint [September 7, 2018]**

Notwithstanding being on notice that the Ethics Committee procedures required both it and the parties to maintain the confidentiality of the proceeding, on September 7, 2018, while the investigation was still pending, West chose to publicize her complaint to a San Francisco public radio station, KQED, in connection with its inquiry into #MeToo accounts in the Bay Area yoga world. West did so despite her prior communications to the Ethics Committee in which she wanted assurances of confidentiality. KQED reported West's allegations without conducting any real investigation into their veracity. West's allegations, unfortunately, were then repeated on social media by several people who had various disputes with Manos, Manos was unfairly characterized and threatened, and social media campaigns ensued fishing for any other complaints against Manos.

### **The Ethic Committee Issues Its Decision of No Violation of the Ethical Rules [September 18, 2018]**

On September 18, 2018, the Ethics Committee (which was comprised of four women who are familiar and experienced with Iyengar yoga),<sup>1</sup> issued its unanimous decision finding that there was not sufficient evidence to conclude an ethical violation occurred. Each Committee member set forth her opinion and the basis for the opinion. The decision makes clear that the Ethics Committee used and applied its expertise and knowledge of Iyengar yoga in evaluating the evidence and reaching its conclusions. The decision notes that West was asked to provide witnesses, but failed to provide a single witness who actually observed the alleged conduct. As stated by the Ethics Committee "each of the alleged incidents took place in an open and active classroom filled with 30-50 students. However, there are no witness to corroborate her allegations. The serious nature of these allegations warrants a substantial burden of proof."

Further it was explained:

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**

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<sup>1</sup> In addition, Dr. Vachher, the then Ethics Committee Chair, is a clinical and forensic psychologist who has expertise in handling claims of sexual misconduct and regularly testifies in judicial proceedings involving such allegations.

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**upholds the due process** and protects confidentiality. (emphasis added.)

**IYNAUS Announces an Independent Investigation of West’s Complaint and Any Other Complaints Against Manos, and Retroactively Changes Its Complaint Procedures [October 10, 2018]**

On October 10, 2018, IYNAUS announced to its members changes to its complaint procedures and the initiation of an independent investigation of Manos. Although West’s complaint had already been unanimously resolved by the Ethics Committee for almost a month, IYNAUS said it was changing its policies to allow either party to an ethics complaint to appeal the final decision of the Committee to the IYNAUS Executive Council. Although this policy was not in effect at the time West submitted her complaint, or at any time during the complaint process, IYNAUS **retroactively** applied this procedure to West’s complaint. It then used West’s stated “intention” to file an appeal as a basis for deciding that an “independent investigation” of her complaint and of any other complaints against Manos should be initiated.

IYNAUS assured its members that “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.” Despite this, IYNAUS then claimed “because of the seniority and influence of Manos in our community, we are persuaded that there is an **appearance** that the members of this committee are biased in Manos’s favor and cannot decide complaints against him impartially.” (emphasis added.) Based not on any actual bias or conflict, but rather an “appearance” of bias, IYNAUS authorized the independent investigation.

In announcing the independent investigation, IYNAUS informed its members that “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 adjustment in particular.” To our knowledge, none of the Ethics Committee members have participated in the independent investigation. They expressed their concerns about this to IYNAUS’ President, who has informed them that, contrary to the representation to members, it is up to the investigator as to whether she chooses to talk with and ask questions of the Ethics Committee.

**Manos Is Scheduled to Teach at IYNAUS’ President’s Yoga Studio and the Studio Issues a “Notice” to Potential Participants [October 25, 2018]**

On October 25, 2018, Yoga Circle, which is the studio owned by IYNAUS President and retired attorney, David Carpenter, issued a notice to registrants for an upcoming workshop at the studio which was to be taught by Manos. The notice set forth the allegations of the West



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complaint, the Ethics Committee's decision, and the subsequent decision to hire an independent investigator. It then went on to "warn" potential attendees, that there had allegedly been reports of misbehavior by Manos including that he sometimes touched sexually sensitive areas when making physical adjustments.

It is important to note that neither Mr. Carpenter nor IYNAUS has ever provided any of these "reports" mentioned in the "notice" to Manos. The only complaints Manos has ever been made aware of are West's complaint and a 2014 complaint in which one student alleged that Manos used inappropriate language during a class. Manos was not informed that the notice was being provided to the registrants nor did he have any opportunity to respond to the statements in the notice.

**Manos and Members Are Informed of the Name of Investigator and IYNAUS' Solicitation of and Use of "Confidential" Complaints [October 30, 2018]**

On October 30, 2018, Manos was informed by IYNAUS that only 4 of the 20 plus Board Members of IYNAUS (David Carpenter, Randy Just, David Larsen, and Denise Rowe) would be overseeing the independent investigation and Bernadette Sargeant would be the investigator. Her credentials were provided to Manos, but conspicuously missing from her qualifications was any experience or knowledge of Iyengar yoga, notwithstanding IYNAUS' prior statement that: "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 adjustments in it." (October 10, 2018 letter to IYNAUS members.)

The letter to Manos also notified him that the investigation would not be limited to West's complaint, but that the organization would actively solicit any other complaints anyone may have against him:

The investigation will not be limited to Ann West's complaint, but will include any other allegations against you. Both emails in support of you and emails in opposition were submitted to IYNAUS in the past two months. We will provide copies of all these emails to Ms. Sargeant. In addition, we will shortly request that other members of our community provide any other relevant information directly to Ms. Sargeant no later than the end of November.

While the information would be provided to the investigator, IYNAUS did not similarly agree to provide Manos with the information. All repeated requests for the information have been denied.

In addition, IYNAUS took the position that it considered all of the information to be "confidential, so no information that could potentially identify the sender of any email will be shared with you absent authorization of the sender. **At the same time, whenever you would**

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**need to know the identity of the sender to respond to allegations, no reliance will be placed on the email unless the sender consents to revealing his/her identity to you.”** (emphasis added.)

On October 30, 2018, IYNAUS communicated to members the name of the investigator and asked members to provide any information, including any complaints, any one may have about Manos **from January 1, 1992 to the present**, and noted that the identity of the complainant would be kept confidential and would not be disclosed to Manos if the complainant wanted to remain confidential.

### **Manos Offers to Withdraw His Membership From IYNAUS [November 7, 2018]**

It was suggested to Manos that IYNAUS decided to authorize the independent investigation because it was worried that if it did not do so it might have some legal liability if it allowed him to remain a member. Manos was not, and has not, been made aware of any complaints other than West's and he stands firm in his innocence. However, in an effort to save the Iyengar Yoga name, allow the organization to move forward without any concerns of legal liability, and to save the time and cost of an investigation, on November 7, 2018 we, on behalf of Manos, conveyed to the IYNAUS President his offer to resign from the organization to moot the investigation. That communication also conveyed the serious legal concerns we had about the investigation given the *ad hoc* “process” communicated by IYNAUS. It was also noted that if the investigation was not conducted properly, and consistent with due process it could result in erroneous findings or conclusions by the investigator which could then potentially subject Manos to the risk of civil or criminal liability based on those erroneous findings.

As part of his offer Manos agreed that he would not disparage IYNAUS, would not use any IYNAUS symbols in his studio name or promotional materials, and that his use of the terms “Iyengar Yoga Teacher” and “Iyengar Yoga” in his studio name, would be subject to permission by the owners (Greeta and Prashant Iyengar) of the word mark “Iyengar Yoga.” Manos agreed that if the Iyengars did not give him permission to use the word mark “Iyengar Yoga,” he would discontinue further use of it. Mr. Carpenter said he would convey the offer to the Board and provide a response.

The next day, we were informed by Mr. Carpenter that “I was able to convene the IYNAUS Board for a telephonic meeting that ended a few minutes ago. We do not accept your offer.” No explanation was provided for the denial. We have since been told that apparently many Board Members were never even informed of the offer, so they did not have any opportunity to participate in the decision process.

On November 8, 2018, we then had a follow-up communication with Mr. Carpenter to inquire whether there was the potential for a proposal that the Board might favorably entertain. We were not provided any substantive information in response.

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**Manos Seeks the Iyengar Family's Guidance [November 13, 2018]**

On November 13, 2018, Manos notified Geeta and Prashant Iyengar of the actions by IYNAUS and sought their guidance, writing to them:

Although I do not think it was done intentionally, I think the impact of this letter was soliciting people to humiliate me and create a mob mentality. Because they were asking people to send in any complaints they have ever had about me going back to 1992, they are asking for people to weigh in on 27 years of my teaching of thousands of people. They even are taking anonymous complaints and I will never know what they say or how this investigator will deal with them. How can I ever respond to allegations of events that supposedly occurred decades ago.

I have done my best to not escalate this situation. I have told my students not to attack Ann West (the woman filing the complaint) in any way. I have answered the ethics committee and been cleared by the four women Volunteers unanimously. But now IYNAUS has decided they need to have an outsider look again at the West complaint and have asked members to send in any complaint they have going back more than 25 years. I have already had to deal with Ms. West's complaint through the Ethics Committee investigation and in the press and thought the matter was over with the Ethics Committee's decision. I do not want endure the process again through yet another investigation. More importantly I want to try to save the good name of Guruji and the Iyengar family. To do this I offered to resign my membership in the organization, not to say bad things about the organization, and not to use any IYNAUS symbols in my studio name or promotional materials. I said I would only continue to use the terms "Iyengar Yoga" only if your family gave me permission. All I asked is that they stop the investigation. They have refused my offer and did not tell me why they refused it. They have given me no indication of any further complaints anonymous or otherwise.

I have been canceled for two teaching engagements. I have hesitated to involve you until they wouldn't even allow me to quit IYNAUS. I will accept whatever you want me to do to save the Iyengar Yoga community.

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**The Iyengar Family Is Not Happy with IYNAUS and Asks Its President and Board of Directors to Reconsider Their Actions [November 15, 2018]**

IYNAUS “oversees teacher training guidelines in conjunction with direction from Dr. Geeta S. Iyengar and Sri Prashant S. Iyengar at the Ramamani Iyengar Memorial Yoga Institute (RIMYI) in Pune” and IYNAUS’s Bylaws provide that “the business and affairs of the Corporation shall be managed and all corporate powers shall be exercised by or under the direction of the Executive Council or Prashant S. Iyengar and Geeta S. Iyengar.” Despite this, the Iyengars were not informed, consulted, or advised by IYNAUS of the changes and actions announced to its members on October 10, 2018, including the independent investigation of Manos. Upon learning of IYNAUS’ actions as to the independent investigation and its communications to members regarding the same, the Iyengar family expressed its displeasure and wrote a letter which was addressed to IYNAUS’ President, David Carpenter, and the IYNAUS Board of Directors. The letter was sent to Mr. Carpenter on November 15, 2018, and the Iyengars told him to share the letter with the IYNAUS Board of Directors. The letter, however, was apparently not shared with all of the Board Members – a fact to which numerous Board Members can attest.

In the letter, the Iyengars express their disagreement with IYNAUS’ decision to conduct an independent investigation. As explained in their letter:

The Ethics Committee followed the standard procedure, due process and provided a clear conclusion. When all of those who were in the committee that were in charge of this investigation cleared the matter without any conflict, we don’t see why you have reopened this case and that too with an external examiner. Without any additional evidence or witnesses, it doesn’t make sense to have undertaken this decision. That too, to have an investigator recommended by Yoga Alliance is like admitting that the first investigation was not fair. It seems like IYNAUS is admitting to be lacking in its judgment and in that case, there is a bigger problem, not a problem involving just an individual.

The Iyengars also expressed their concern about the call for and use of anonymous/confidential complaints from 1992 to the present, describing it as “unreasonable and troubling.” The letter goes on to say:

Maybe you have taken this decision out of nervousness because of the havoc being created in the social media.

Even though we don’t want to be judgmental it also seems like there is an animosity that is driving all this. You cannot assume that an

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individual is guilty and go all out to prove that. Yoga teachers and Iyengar yoga Associations should act with more responsibility.

Actions are superior to reactions. Any action that comes as a reaction is bound to be infested with kleshas (ignorance, ego, attachment, aversion and fear of death) and hence will not be administered with fairness.

We request IYNAUS to revisit this situation with a clear and calm head and humanness. There can be no yoga when human touch is not there.

### **IYNAUS Responds to the Iyengar Family's Letter [November 27, 2018]**

In a letter dated November 27, 2018, IYNAUS responded to the Iyengars. Although the letter states that it is from the IYNAUS Board of Directors, in fact, once again, apparently many of the members of the Board of Directors did not participate in or authorize the response.

The response claims, among other things that:

- “The Ethics Committee decision on Ann West’s complaint also did not consider much relevant evidence, and it departed from standard procedures in other respects.”
- “Also, compounding the appearance of impropriety was the fact that one of the members of the Ethics Committee was a regular student of Manos and she participated in the investigation and decision of the complaint without disclosing her conflict and giving the parties an opportunity to object.”
- “The Ethics Committee investigation and decision was not thorough and appeared to reflect a bias in favor of Manouso.”

These representations to the Iyengars are contrary to both what IYNAUS told its members and the Ethics Committee decision. IYNAUS told its members:

- “We are satisfied that our Ethics Committee has applied this standard [standard of proof] in its recent decisions [West complaint].” (October 10, 2018 letter to members.)
- “We have complete confidence in the integrity of each member of the IYNAUS Ethics Committee and each member’s commitment to fairly decide complaints brought against even our most senior teachers.” (October 10, 2018 letter to members.)

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- “The Ethics Committee has long had a conflict of interest policy.” (October 10, 2018 letter to members.)

It is also clear from the Ethics Committee decision that the identity of the Ethics Committee members were disclosed to West prior to her filing her complaint. The decision also makes clear that both parties had a full opportunity to be heard and that the Ethics Committee followed due process and its standards. It was only when the decision was not in West’s favor that she sought to undermine the integrity of the process.

In addition, we believe the Ethics Committee members also strongly dispute the accuracy of these representations to the Iyengars. They can attest that they considered all relevant evidence, applied the standard procedures and due process, disclosed the names of the Ethics Committee members to West prior to the start of the investigation, and handled the investigation consistent with the policies and procedures of all other investigation regardless of Manos’ status.

In its response to the Iyengars, IYNAUS addressed the issue of anonymous/confidential complaints stating that “in any investigation, even ‘anonymous’ information is valuable because it can corroborate other information and can indicate areas for further investigation. This is the only use that will be made of anonymous complaints in situations when Manos would need to know the complainants name to defend himself and when the sender does not consent to its disclosure. **Findings of unethical conduct will not rest on anonymous complaints.**” (emphasis added.) As noted below, this statement has also proved to be false as we have been informed by the investigator that such complaints will be used not solely for corroboration, but may be substantively considered for the merit of the complaint and be used to reach her findings and conclusions.

Finally, in the letter, IYNAUS also claimed that it received “credible allegations” against Manos and that there were oral and written reports that were convincing. These statements are particularly troubling. IYNAUS has made conclusions without informing Manos of the allegations, obtaining any response from Manos, and considering all relevant information. It appears IYNAUS has improperly prejudged the allegations.

#### **Meeting in RIMYI With the Iyengars and IYNAUS Board and Ethic Committee Members [December 10, 2018]**

On December 10, 2018, a meeting was held by the Iyengars for members of the IYNAUS Board of Directors and Ethics Committee who were at RIMYI in Pune, India for the tribute to the 100th anniversary of the birth of BKS Iyengar. Present at the meeting were Geeta, Prashant, and Abhi Iyengar, two members of the IYNAUS Ethics Committee, and eight IYNAUS Board Members. At that meeting it was made apparent that:

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- None of the Board or Ethics Committee Members in attendance had been fully advised of or seen the letter from the Iyengars to the IYNAUS Board. Geeta expressed her concern about this, specifically stating “what is the reason the Board was not given the letter? The world already knows about the case now. Why does the Board not know what RIMYI has to say? This is wrong.”
- None of the Board or Ethics Committee Members in attendance were aware of the November 28, 2018 response letter from IYNAUS, even though it was purported to be from the IYNAUS Board of Directors.
- The Ethics Committee Members who were present advised that the statements in the November 28, 2018 letter to the Iyengars concerning the Ethics Committee were incorrect. First, contrary to the statement in the letter, West was informed of the names of the Ethics Committee, was aware one of the members was a student of Manos prior to the start of the investigation, and did not object. Second, the Ethics Committee Chair advised that the statement that the Ethics Committee did not follow due process was not true, as it did follow due process and the process was outlined in the Committee’s decision.
- Geeta also asked about the use of anonymous/confidential complaints in the independent investigation. One of the Board Members explained that such complaints could be used to see if there was a pattern of unethical behavior, but unless the party was willing to reveal his or her identity they could not be used by the independent investigator to come to a conclusion. While this may have been the original intent, we have been informed by the the investigator that she will use anonymous and confidential complaints to make her findings and conclusions.
- Manos’ offer to withdraw from IYNAUS was not communicated to the entire IYNAUS Board of Directors.
- Geeta was very disappointed that the Board went first to an independent investigator before RIMYI stating “by not informing us, we are cheated. Our name is there. IYNAUS is not believing us and have forgotten us.”

**The Ethics Committee Members Meets With IYNAUS’ President to Express Their Concerns About the Independent Investigation and the Ethics Committee Chair Resigns [January 2019]**

In January, the Ethics Committee members who investigated and ruled on West’s complaint had a meeting with IYNAUS’ President to express their concerns about the independent investigation. Despite the fact that it was represented to members and the Ethics

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Committee that they would be involved in the independent investigation and their subject matter expertise would be important, none of the Ethics Committee members have been consulted, contacted or interviewed by the investigator; rather, they have been “kept in the dark” regarding the investigation, including the process. The Ethics Committee members expressed this concern to the President. In response he stated that it is the investigator’s decision whom she chooses to interview and from whom she chooses to obtain information. The Ethics Committee members further expressed their concerns that the investigator did not understand or have any experience with Iyengar yoga adjustments, so as to allow her to properly understand and evaluate the information. The President informed them that the investigator had talked with **one** senior CIYT instructor, but refused to disclose the name of the instructor to the Ethics Committee members.

On January 25, 2019, the Ethics Committee Chair, Dr. Vachher, submitted her resignation, which provides in pertinent part:

It is with great regret and relief I write and share the following:

Regret- that a small segment within the board appears to have undermined the ethics committee role, function and responsibility.

Regret-that the ethics committee seems to have been targeted for its efforts to hold the past.

Regret-that the ethics committee is accused of non-cooperation and yet not given the opportunity to defend against the wrong information being circulated. For example, it has been told that we are not giving current confidential information to the president. However, the record shows otherwise.

Regret-that despite the efforts to honor its role and integrity, the Ethics Committee have been blamed for ‘discord’. This is a distracter from the real issues not addressed.

Regret-that the Ethics Committee is marginalized and the ethics chair and/or the entire committee appears to be forced to step down because of its attempts to prevent potentially unethical and illegal actions i.e., handing over past confidential files to IYNAUS current and future presidents. Despite our efforts, there have been no attempts to assuage our concerns about potential illegal or ethical violations of confidentiality breach. The board, in October 2018, voted for this agenda but it does not free us from legal and ethical ramifications. No rationale has been given to justify this breach of trust and confidentiality.



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**Regret-that the silent majority appears to be enabling unethical practices of a small segment of this board. There seem to be no checks on the abuse of this power. The letter from the Iyengars and the letter ‘from the board’ to the Iyengars without input or knowledge of the board members** have not raised anyone’s concerns. Geetaji, Prashantji and Abhi expressed their concerns and yet to the best of my knowledge there has been complete silence. (emphasis added.)

**There is nothing democratic about the decision making process because the decisions are being made by a small group without input or knowledge of the entire board. Geetaji emphasized the need for transparency during a meeting on December 10, 2018 in Pune. It is my opinion that the recent actions and decisions in the name of the board are unethical.** (emphasis added)

**Finally, it is a relief to not have to defend anymore against false accusations** by a few or to bang my head against a wall with silent passersby or to engage in unethical practices as forced by a majority vote by this board in its recent meeting. (emphasis added.)

It is with regret that I can no longer fulfill my responsibilities with integrity and thus I am relieved to resign from my position as the IYNAUS Ethics Chair.

We have been told that additional Ethics Committee members may resign shortly given the same concerns expressed by Dr. Vachher.

### **Student Interviews With the Investigator Have Resulted in Overwhelming Concerns as to the Integrity and Reliability of the Investigation**

We have spoken with many students who have been interviewed by the investigator and have heard repeated concerns based on their interviews. The concerns include, but are not limited to. the following:

- The investigator does not understand the practice of Iyengar yoga, including the poses and intrinsic value of touch and adjustments to enable her to properly consider and evaluate the information and make any findings and conclusions.
- During interviews, the investigator has not asked important information of the witnesses.

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- The investigator has not looked into the credibility or bias of West or anyone else who may be making allegations against Manos.
- The investigator has not been provided with all relevant information. For example, a student sent information to IYNAUS, but the investigator did not receive it.
- Individuals (including one who was present at the November 2013 class West attended) had to follow up with the investigator multiple times before they were heard.
- It is perceived that the investigator had already made up her mind and her impressions and decisions are adverse to Manos.
- The investigator has told individuals during the interview that in her investigation she is only going to go by any complainant's "impression" of an alleged inappropriate touch and an individual's subjective interpretation of that touch.

**Our Communications With the Investigator, Which Include Repeated Denials of Access to Basic Due Process Information and Changes in How Confidential Complaints Will Be Used in the Investigation.**

In December 2018, the investigator contacted us to inquire whether Manos would be willing to sit for an interview with her. In considering the request, we had two telephone calls with the investigator in an effort to try to obtain an understanding of her investigative process and the specific accusations that had been made and would be considered by the investigator. As represented in IYNAUS' Q&A to its members on the investigation, "in order to determine if an allegation is well founded, the investigator must know (1) the allegations, (2) the quality and character of any substantiating information, and (3) the response of the accused." Obviously, the first two items are not only necessary for the investigator to know, but for Manos to know to enable him to properly respond to the allegations.

First Call with the Investigator [December 20, 2018]

In our first call with the investigator, we inquired what rules, standards, and process would be applied. Unfortunately, she could not, or would not, tell us what specific ethical rules are being implicated or how her report or investigation will be used by IYNAUS. She stated that it was her understanding that she would make findings and conclusions in her report, but she did not know if her report would be made public by IYNAUS, in whole or in part, or how the report would be used. She said it was up to IYNAUS to determine what actions, if any, it takes against Manos.

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Significantly, we also asked the investigator how she intended to handle anonymous and/or confidential complaints. She said she would attempt to provide Manos with enough information so as to allow him to be able to respond to the complaint, but recognized if that could not be done without disclosing the complainant's name, she could not question Manos about that incident. She further indicated that she did intend to use anonymous and confidential complaints for purposes of corroborating evidence.

Because Manos had not been provided with any information as to any other complaints aside from West's, we asked if she would provide us with basic notice of each of the complaints – the name (for the non-confidential complaints), date, location, and allegation. She indicated that she would only provide that information at the time of any interview of Manos. She claimed that as a former prosecutor she liked to question the accused "cold."

We explained that her position was particularly problematic because, among other things, Manos prior to any interview (and regardless of any interview) has a right to know the specific accusations that have been made against him. She indicated that if we came back to her and told her that the information would need to be provided in advance as a condition for Manos sitting for an interview she might reconsider her position.

#### Second Call With the Investigator [February 20, 2019]

In our follow-up call with the investigator regarding whether Manos would sit for an interview, we again asked if, consistent with due process, she would provide basic information as to each of the allegations – *i.e.*, name of complainant, date, location, and specific alleged misconduct. She flatly refused. She stated that the only time any of that information would be provided was during an interview with Manos. And even then, as to the confidential complaints she would only disclose limited information as authorized by the complaint. This "process" allows individuals to invent claims and even do so repeatedly with different false identities, without any ability by Manos to challenge and defend against the legitimacy or veracity of the claim. In addition, it prevents Manos from obtaining information to properly respond to the allegations – for example, among other things, he cannot confirm that the complainant was actually his student and in class on the date of the alleged incident, he cannot identify or talk with witnesses to the alleged incident, and he cannot address any bias of the complainant.

So, contrary to IYNAUS' representations to its members and the Iyengars, she would not provide Manos with enough information to be able to respond to the allegations. To make it even worse, **she then informed us that she could use confidential and anonymous complaints to substantively decide the merits of the complaint despite the fact that Manos would not be able to properly respond given the lack of information.** Obviously, this is very different from her prior communication to us and how IYNAUS informed its members and the Iyengars confidential complaints would be handled and used. She again reiterated that she would only interview Manos "cold," meaning he would not be provided with any information in advance of the interview and during any interview he still would not be provided with all

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information to enable him to respond to the allegations given her position on the confidential complaints.

We requested and were refused even the most general information. Specifically, we asked to know the number of complaints, whether complaints were limited to a specific gender, and/or the time period the complaints span. Each of these requests was also denied.

Finally, we expressed with her the concerns we have heard from many members and those on the Board and Ethics Committee that she does not understand Iyengar yoga. She provided no response.

**The “Independent Investigation” Against Manos Lacks Integrity, Reliability, Fundamental Fairness, and Due Process.**

IYNAUS repeatedly represented to its members and the Iyengars that any complaints against Manos would be resolved consistent with due process and that the investigation would be “fair and reasonable.” Unfortunately, based on the above facts, it is clear that precisely the opposite has occurred. There is nothing fair and reasonable or consistent with due process about depriving Manos from knowing the allegations that are being made against him and investigated. One of the core requirements of due process is notice before or at the start of any investigation of the “charges”/allegations, including the date of each alleged incident and summary of allegations and all evidence. Despite repeated requests, Manos has been denied this basic due process notice.

In almost every setting where important decisions turn on questions of fact, due process and fairness also require an opportunity to confront and cross-examine adverse witnesses. Where the evidence consists of statements of individuals whose memory might be faulty or who might be perjurers or persons motivated by malice, vindictiveness, prejudice, or jealousy, the individual’s right to show that it is untrue depends on the rights of confrontation and cross-examination. Clearly, without even the name or information concerning the complaint, Manos is being deprived of this right.

The standard of proof is also a critical element of due process. IYNAUS has represented that a preponderance-of-the-evidence standard will be used in determining Manos’ “guilt or innocence as to alleged sexual misconduct.”<sup>2</sup> This is the lowest evidentiary standard in the law. Criminal cases apply the highest beyond-a-reasonable-doubt standard, and civil cases involving significant reputational damage require the clear-and-convincing-evidence standard. By applying the lowest standard of proof, IYNAUS has shown a complete disregard for due process

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<sup>2</sup> However, in IYNAUS’ November 27, 2018 letter to the Iyengars IYNAUS stated that the standard will be “truth.” Preponderance of the evidence is not a truth standard. The closest standard to truth is beyond a reasonable doubt standard.

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and the potential ramifications from a wrong decision. To date, alone, the actions of IYNAUS have negatively and severely impacted Manos on both a professional and personal level. The investigation ordered by IYNAUS, which carries with it the potential of loss of students and employment prospects and emotional, reputational, family, and psychological harm to Manos and potential exposure to civil and criminal actions, should require the highest standard of proof.

It also is fundamentally unfair and defies due process for the organization to (i) solicit complaints from 1992 to the present and collectively consider those complaints - each complaint should rise and fall on its own and be supported with separate and sufficient evidence and not influenced by other complaints; (ii) use confidential and anonymous complaints against Manos not only for corroboration, but substantive merit; (iii) have no set and published rules, policies, or procedures for the investigation; (iv) continually change its position on the investigation process; (v) not provide information on how the investigator's report will be used and who will have ultimate decision-making authority; and (vi) predetermine the merits of allegations against Manos.

Even IYNAUS' Board Members and Ethic Committee have stated that the investigation is being operated through a few selective board members, whose conduct is "unethical," and an "abuse of power."

In sum, the "independent investigation process" has no process. In every way the investigation has been poorly conceived, implemented, and investigated. It fails on every rational basis. The investigation lacks fairness and due process, is tainted with a presumption of guilt, and deprives Manos of notice and an opportunity to meaningfully respond. The concept that an interview by ambush of Manos is an appropriate and fair culmination of the investigation is outrageous. Even members of the IYNAUS Board of Directors and Ethics Committee acknowledge that the investigation is farcical. Despite the support of the Iyengar family, Manos' many supporters, and his innocence, Manos has no choice but to resign his membership effective immediately and he will not be sitting for an interview. Attached is a copy of Manos' resignation.

Sincerely,



Courtney L. Baird  
Michael L. Lipman

Enclosure



March 8, 2019

Dear Students and Friends of Iyengar Yoga

It is with a heavy heart that I am submitting my resignation from IYNAUS. I am leaving though I am innocent. I am leaving though I only adjust students who give their consent. I am leaving though I do not touch inappropriately. I am leaving because I cannot prove my innocence.

I stand accused of misdeeds by this organization and yet I have not been given a fair chance to clear my name. I was accused then cleared by our national ethics committee of inappropriate touch. The committee was comprised of four females and their decision was unanimous.

The person who filed that complaint appealed the ethics committee's decision suggesting it was biased because one of the committee members is a long time student of mine. In fact the person who brought the complaint had been informed before filing it that my student was on the ethics committee. Her original reaction was that she saw no conflict of interest. It was only after they ruled against her that she complained.

It was suggested to me that some in the National organization thought it may have a legal liability with me continuing to be a member. So late last year in order to save the Iyengar Yoga name and to attempt not to put a cloud over the centenary celebrations, I had my lawyers contact the President of IYNAUS to offer up my resignation from the organization if that would satisfy them. They declined.

IYNAUS decided to ignore the decision by the ethics committee and hire an investigator to reconsider the decision and to also solicit complaints about me from anyone who might have one within the last three decades. They even welcomed complaints from people who did not have to agree that I could be given their names.

When Geeta Iyengar, Prashant Iyengar, and Abhijata Iyengar came to know of this they wrote a joint letter to the IYNAUS President, David Carpenter, and the National IYNAUS Board of Directors asking them to reconsider their position. Eventually I came to know that the letter that was intended by the Iyengars to be provided to the entire Board was only shared among a few of its members. The president being unwilling to allow all of the board members to see or hear all of the contents.

When one of my students complained to the Board about his dues funding the investigation he was told that the Ethics Committee's decision on me had been **REVERSED. This had taken place before any interview of me by their investigator.**

Even though my lawyers have asked repeatedly, the investigator has refused to give me any of the names or any information about any other complaints and has said that she will even consider complaints made by people who will not allow her to tell me anything about them, including any specifics of their allegations.

Some of my supporters who spoke to the investigator have said that she has never done yoga or been in a yoga class and does not know or understand what adjustments can do. They are convinced the investigator has already made up her mind against me. I am in the ridiculous position of proving a negative and that is impossible for me or anyone else to do.

It is clear that this organization is no longer aligned with the Iyengars. The burden on my family and this subject that I care about so much leads me to walk away from IYNAUS. I do not believe they are upholding the original principle the organization was founded to do: To propagate the work of B.K.S. Iyengar.

Since this organization did not let me resign quietly I suspect that now they will punish me in an attempt to justify their actions.

I hereby resign from the Iyengar Yoga National Association of the United States.

Respectfully

*Manouso Manos*

Manouso Manos