Handling *Really* Difficult People (supplement)

Jens M. Dill
President, Bay Area Country Dance Society

Prepared in 2006 for the CDSS West Coast Leadership Conference, Portland OR
To contact the author, E-mail <jens@wellhall.org>

1. How to cope with restraining orders
2. When and how to get legal advice
3. Identifying inappropriate behavior
4. Investigating inappropriate behavior
5. Dealing with inappropriate behavior
6. Handling appeals
7. Summary and checklists

The information in this supplement is a distillation of the actual recent experience of the [San Francisco] Bay Area Country Dance Society Board of Directors, which has, in the last two years, had to deal with two separate cases where complaints about an individual's behavior have reached the point where we have had to take official action banning the individual from further attendance at our dances.

1. How to cope with restraining orders

Restraining orders happen. When they happen to people from your dance, things can get very uncomfortable if you are not prepared to deal with the situation. Here are some important things to keep in mind:

- Restraining orders happen because someone (the petitioner) is frightened of someone else (the respondent). This means that *both* parties are under significant emotional stress. Take this into account when dealing with them. Either party can act irrationally or unreasonably, and either one can be disruptive to your dance organization.

- Restraining orders are easy to obtain. A temporary order after *ex-parte* hearing will almost certainly be issued if the petitioner fills out the paperwork properly. This usually expires in about 3 months, by which time there will have been a hearing on whether a permanent order will be issued. The permanent order is "almost automatically" granted provided that the petitioner shows up and says he or she still wants it.

- Neither party is automatically the bad guy. The menace to the petitioner can be real or it can be imagined. It is usually somewhere in between. Keep an open mind and assess the situation in your own terms.

- A restraining order often requires the respondent to stay a certain distance away from the petitioner. This distance is usually large enough that they cannot both attend the same dance, and if both do, the respondent must leave or face arrest. Try to persuade both parties to divide the dances in some reasonable way that works for both of them.

- You and your organization are not legally responsible for calling police to enforce the restraining order (unless, of course, you have become a party to it). You (and your door sitters) should certainly be aware of the order, so that if the petitioner is at a dance, and the respondent shows up, you can let him or her know of the potential violation. But the responsibility for actually calling the police if the respondent refuses to leave falls squarely on the petitioner. Your only job as dance manager is to (a) help the petitioner find a phone, (b) try to keep the two separated, and (c) and keep them from interfering with everyone else's enjoyment of the dance.

- Resist the temptation to become a party to a restraining order. The petitioner's attorney may put pressure on you to do this. Becoming a party means that you, as well as the petitioner, feel threatened by the respondent. The kind of threat a respondent can pose to an organization is significantly different than the kind that he or she can pose to a person. Do your homework. Make sure your interests are really threatened in a way that requires a restraining order to sort it out. It is

probably better not to become a party to the restraining order, but to start your own investigation of the circumstances. If you do find a cause for action, you can take it later, and it will probably take some other form.

- Stay in communication with both parties, and their attorneys, if they have them. It is very important for your organization to be aware of what is going on, so that you can deal with it properly. Copies of the temporary and permanent order can be obtained from the court (often they are online) and you should get them. The attorneys are usually willing to talk to you about what they think you should be doing. Take it with a grain of salt, but do listen. You may be able to stop them from doing inappropriate things. We had one instance where the petitioner was able to declare our dances a "place of work" because she volunteered at the dance. We also had a case where the court was led to assume we would provide a page on our website where the petitioner could tell the respondent whether or not she was planning to attend each dance. File a statement with the court, if necessary, to clarify your position.

- Keep your volunteers informed. Let them know the facts, and what their responsibilities are and are not with respect to the order. Write a letter and put it in the cash box so all door sitters are aware of what they need to do. (See sample notice of restraining order, below).

- Restraining orders expire, usually after three years. Find out the rules for your state. Keep it in mind, and prepare to adjust your door sitter instructions when the order expires. By that time, also, you should have had a chance to investigate whether either party is harmful to your organization and, if so, to have dealt with them appropriately.

2. When and how to get legal advice

Lawyers are expensive. They are also sometimes necessary. When you are faced with a situation (such as a restraining order) that you have not faced before and it involves the legal system, you will probably want to get legal advice.

The simplest way to get legal advice is to consult a referral service. If possible, find one that specializes in referrals for non-profits. In California, there is an organization called "California Lawyers for the Arts" that, for a nominal fee (to the referring organization), will provide you with a free 30-minute consultation with a lawyer that specializes in the area you are concerned about. If you need to go beyond the 30 minutes, you will need to formally retain the lawyer and pay his or her regular fees. But with sufficient preparation, you can get a lot out of that 30 minutes (see below).

You may be lucky enough to have some lawyers right in your dance community, and possibly even taking a leading role in your organization. It is all right to ask them for advice, but be sure to go about it the right way. Ask them first if they mind being asked, and second if their specialty is even related to the problem at hand. If they are willing to help, offer to pay them for their time. It is their choice, not yours, to dispense free advice.

If you need more than you can get from a free consultation, bite the bullet and go ahead and pay the market rate. If you are in that much trouble, you need good legal help and it is worth paying for it. If your organization doesn't have that kind of money in the bank, see if someone in it is willing to be an angel and help you out financially.

Here is how to make the most of your free consultation, if you have one.

- Prepare as much as possible in advance. Get dates, times, names, case numbers, and all relevant information written down where you can find it.

- Write up a one or two page summary of the situation including the questions you think you need answered.

- Prepare drafts of all the documents that you think you need legal help in writing. Do the best job you can: it's easier for the lawyer to advise you on changes to your draft than it is to have him or her write the whole thing.

- Send everything to the attorney *in advance* of your meeting. E-mail is a great way to do this. Let him or her have time to look over your documents before the consultation starts.

- Be on time, and bring your own printed copies of everything you prepared.

3. Identifying inappropriate behavior

Inappropriate behavior is best defined as deliberate and persistent behavior that injures, intimidates, harasses, or otherwise threatens other people in your dance community. A dancer who exhibits this kind of behavior harms your dance organization in two ways: First, other dancers may be discouraged from attending dances where the offending party is present, and your attendance may drop. Second, if someone is injured or harmed, and they know that you were aware of the problem and did not take steps to stop the behavior, you could be held legally liable.

The first step in dealing with inappropriate behavior is finding out about it. Most people who have uncomfortable dance experiences don't trouble to let the organizers know. They just go home and don't come back. So you need to actively reach out to people to find out how they are doing. We have not found all the best ways of doing this. What follows is a list of that includes some ideas we haven't yet tried.

- Designate a "dance manager" who is not the caller to handle situations that do come up. The caller has to keep the whole dance going. He or she cannot be running around solving individual problems, whether they are injuries or just leaks in the plumbing. A dance manager can do these things. Make sure the caller and the door sitters know who the manager is, so they can refer people who do try to report problems to them. Give your dance manager a badge to wear.

- Take advantage of your policy of welcoming newcomers (You *do* have one, do you not?). Newcomers are the more likely not to report problems. Encourage your regulars and your volunteers to chat with newcomers during the break and when sitting out, and to ask them how they are doing. Also, if someone leaves early, try to make sure someone else says goodbye to them and asks if everything is all right. Having a talk with your regulars about this also makes them aware that they should report issues that affect them.

- Put a "problem report form" on the flyer table or at least in the cash box. Having a form at least lets people know there is a channel to report problems. We have decided to do this, but are still working on the wording of the form.

- Consider posting a notice in each rest room telling people how to report problems. People who are feeling threatened often retreat to the rest room before leaving the dance. We have decided to do this, but haven't actually done it, so I'm not sure how it will actually work.

- Take every complaint seriously. If it is a serious problem, you do not want to have dismissed it as "this kind of thing happens from time to time." If it is not serious, you will find out after a little careful investigation.

4. Investigating inappropriate behavior

Once you know (or suspect) that you have a problem with someone's behavior, you will need to investigate to be sure there really is a problem. Here are some things to keep in mind while focusing the investigation on a particular "subject."

- Make sure the offending party knows about the complaints. We are concerned here with deliberate behavior that persists even though the offender knows it is a problem. If nobody has communicated the complaints to the offender, we cannot assume he or she knows about the problem. If there is a pattern of problem behavior, the "subject" will have been told about it by *some* of his or her dance partners, and it should come as no surprise to hear from the dance manager that there has been a pattern of complaints.

- Try to make sure that the "subject" has also had an opportunity to correct the inappropriate behavior. If somehow the behavior really does improve, you have solved the problem and saved a lot of trouble. But be careful to continue watching: some reforms don't last. Remember that the "subject" comes to your dance because he or she really enjoys the experience, and that it is a win-win situation if you can get him or her to stop offending people and keep dancing.

- Don't hesitate to send an official warning letter to the "subject" once you are reasonably sure there is a problem. You want him or her to have a chance to correct it if possible. Do it in writing if possible; verbal warnings are too easy to mis-hear. Waiting too long to do this only complicates matters. You need only have a consistent pattern of complaints to issue a warning. Not sending a warning makes any later punitive action seem more abrupt and arbitrary. (See sample warning letter, below). Some groups have simply had half-a-dozen big men take the "subject" aside and issue the warning verbally. This works, but it's better to have something in writing in case you end up facing a legal challenge.

- Keep the initial investigation private. At the start, you only suspect there is a problem. Making a public show of investigating someone can get you in trouble if there really doesn't turn out to be cause for it. Decide who will be part of the investigating group, and keep it limited. I suggest you limit it to your Board of Directors (or other leadership group) for starters. You can add others as needed. Anyone who has come forward with complaints becomes part of the investigation automatically; don't forget to keep them informed as things progress. Be extra careful to double-check the list of recipients for any E-mails you send on the topic. We have found it convenient to have a "board-only" E-mail list that can be used for matters like this that need to be kept private, and is distinct from the general "board business" list that is used for publicizing meetings, proposals, decisions, and other general business. Place the words "personal and confidential" in the subject line or at the beginning of especially sensitive messages as a reminder to others not to discuss it inappropriately.

- Once the "subject" has been officially warned about the problem, you need not keep your investigation private from the "subject." You probably still do not want to inform your whole community until you have resolved the problem one way or the other.

- Stick to the facts as you know them. Remember that all E-mail and written communications can become public knowledge, either through inadvertent leaks or through court subpoenas. Say only what you know to be true. Don't say anything that you would be embarrassed to own up to later. If something is hearsay, or rumor, or "alleged", you should say so. If it is your own personal speculation, make sure it is clearly labeled as such, and consider leaving it out. Focusing on the facts can also make it easier to compose what may be, emotionally, a very difficult letter to write

- Solicit feedback from those who have been approached or have danced with the "subject". Have some of your regulars who are party to the investigation approach and talk to these people as soon as possible after they have been involved with the "subject". It is even OK to approach them while they are talking to the "subject"; sometimes the presence of a third party can defuse an uncomfortable situation, and the "subject" should already be aware that he or she is being watched.

- Get complaints in writing wherever possible. Be sure that you get the name and contact information for each complainant. Ask the complainant for permission to pass the written complaint on to the "subject" (after removing any names and contact information, of course). Having a paper trail makes it easier to justify any decisions you later make, in case they should be challenged. Sharing the written complaints with the "subject" is one of the easier ways to get him or her to really understand why he or she got in trouble, and is pretty much required if you are going to give the "subject" a chance to answer the accusations. (See sample response to an appeal request, below).

- Communications to the "subject" should not contain any information that directly identifies a complainant, unless you have explicit permission from the complainant to do so. If you are communicating by E-mail, send the message first to the "subject" without anyone else on the "CC" list (except yourself). Then forward a copy of the message to the other parties, with an explanation if you need one.

- Be sure you communicate new information to everyone who needs to know as soon as possible. Keep your leadership group informed of everything, and let the complainants and the "subject" know about any meetings that are to be held on the matter, in case they wish to attend.

5. Dealing with inappropriate behavior

Once you are sure that the "subject's" behavior is harmful, deliberate, and persistent in spite of attempts to correct it, you are obligated to deal with the problem. At this point, if you don't deal with it, you could be held liable for any injuries or harassment that ensue. Over and above the strictly legal concerns, you also have a moral obligation to see to the safety and comfort of the people who attend your dance.

The simplest and most direct action you can take is to send the "subject" a certified letter saying that he or she is banned from attending your dances. You are operating as a private club, and have the legal right to exclude anyone you want, as long as you are not violating anti-discrimination laws. A ban based on personal behavior is not discriminatory. (See sample dismissal letter, below)

Make your decision public at this time. You must inform your volunteers and door sitters at any rate, so they know what to do if the "subject" comes to the door. It does no harm for the rest of the dance community to know. Some people who were staying away might begin to come back. And if anyone questions the decision, you have your written record of the complaints, the warnings, and the dismissal letter. Place a copy of the dismissal letter in the cash box so that the door sitter has an easy way of reminding the subject of the ban, should he or she try to attend a dance. (See sample letter to door-sitters, below). It is probably not a good idea to make a public announcement or write a newsletter article, but you should make sure the word is passed somehow.

Door sitters and dance managers should know about the ban, should be able to identify the person (pictures are good, if you have them), and should know what to do if the "subject" tries to attend a dance. They should remind him or her of the ban, and back it up by showing a copy of the dismissal letter from the cash box. If the "subject" refuses to leave, the dance manager should call the police and have him or her charged with trespassing. Care should be taken to be respectful at all times and not abusive. Violence is a possibility we don't want to provoke. If necessary for the dance manager's sense of security, recruit a group of (preferably large male) dancers to approach the "subject."

If an outright ban seems too harsh, you can consider mitigating it. But be careful. If you put a time limit on the ban, make it also conditional on improved behavior in the future. If you ban the "subject" from only some of your dances, be prepared to explain why he or she is not a problem at the other dances. Remember, your ultimate responsibility is to the well-being of all of your dancers.

- If a ban seems too limited, you can consider seeking a restraining order (See restraining orders, above). You should only do so if you feel that the "subject" is actually threatening direct harm to your organization. In general, a restraining order is not well suited for this kind of situation, and gets you involved in more expense and legal wrangling than necessary. I don't recommend this.

7. Handling appeals

If the "subject" wants to appeal your decision, you should arrange to grant him or her a hearing before your Board of Directors or other decision-making body.

- Make sure the "subject" knows exactly what the accusations were (send copies of the written complaints) and what reasoning was used in reaching the decision. (see sample response to an appeal request, below).

- Let each of the complainants know about the hearing and offer them a chance to attend as well. You want to set up a situation where the "subject" and the complainants both get a chance to talk directly to each other in front of your board.

- For the appeal to be successful, the "subject" needs to convince you either (a) that the accusations are false, (b) that the reasoning leading up to the ban is faulty, or (c) that there is some other plausible way to resolve the problem. This is a tall order, and most people will understand that and accept the ban.

- Remember that the hearing is not a legal trial, or a judicial procedure. It is a fact-finding discussion with the aim of determining whether or not the ban is justified, and if justified, whether there are any mitigating circumstances. Your organization has the legal right to ban anyone for any non-discriminatory reason. You are considering the appeal for moral reasons, in the hopes of coming to a better or more just solution.

- Set the expectations of all your attendees accordingly. Send a letter to your Board and to the complainants explaining the goals of the hearing and reminding them that you are going to keep the focus on civil and constructive discussion. Send a copy of the letter (without the names or addresses of the Board and the complainants to the "subject." (see sample letter of expectations, below).

- Do not plan to reach a conclusion at the hearing. Even if you are reasonably sure of what the conclusion is, you need to leave room for private Board discussion, and for making arrangements with any other parties that may become involved. After the discussion has covered all the ground it needs to, thank the "subject" and send everyone but the Board home.

- Make the follow-up arrangements promptly. In our case, we needed to contact the leaders of the neighboring dance organizations and explain what had happened, that the "subject" had been banned from our dance for the following reasons, that they would probably be seeing the "subject" more often at their dances, and that they should take steps to evaluate the "subject's" impact on their dances. At the least, they should place the "subject" on probation and remind him or her of that fact when he or she shows up at a dance.

7. Summary and checklists

The following checklists should help you manage your organization's response to the kinds of situations we have been discussing. This is meant to be a summary of the material already presented, so look back and reread it if you need more detail. In all of this, remember that your primary moral and legal responsibility is to the safety and security of all of your dance community.

Restraining orders

- ☐ Keep in touch with both parties. Make sure you know what is going on.
- ☐ Keep your organization from becoming a party to the order, directly or indirectly, unless you know that your organization itself is threatened.
- ☐ Inform your leadership and volunteers. Make sure they know of the order and make sure they know what to do if there is a potential violation.
- ☐ Track the order and inform your people when it expires.

Unacceptable behavior

- ☐ When you get the first complaint, investigate discreetly to see if there are more people reporting the same problems. Get complaints in writing where you can.
- ☐ To justify further action, the behavior must be harmful, intimidating or harassing. It must also be persistent, deliberate, and not attributable to inexperience, inadvertence, or malicious accusations.
- ☐ Make sure the accused party is told of the complaints and has an opportunity to correct the behavior. Offer help if you can.
- ☐ If it does appear to be a serious case of unacceptable behavior, issue a strong warning. Either a certified letter or a bunch of people giving a verbal warning will work. The text is: "Listen up and don't answer. We've heard the following complaints about your behavior [be specific]. We are not interested right now in the accuracy of these complaints, but if they happen again, you are no longer welcome here."
- ☐ If there are further complaints, or further verified instances of the behavior, follow through on the threat. Send a certified letter to the offender, and publicly notify all your leaders and volunteers that this person is no longer welcome and is to be treated as a trespasser if he or she does not leave.
- ☐ Document as much as possible in writing in case of legal challenges.

Appendix: Sample letters

These examples are taken from actual letters that we at BACDS have used in dealing with our recent cases of inappropriate behavior. They are intended to illustrate the kinds of things you may need to write in the course of dealing with these issues. You will have to adapt them to your own circumstances, and make them conform to any legal advice you obtain.

Sample Notice of Restraining Order

To all BACDS programmers, dance managers, and door sitters:

Please be advised that on Friday the --date--,
--X-- was served with a temporary restraining order
by --Y--. Both parties have been regular attendees
at BACDS dances. The effect of the restraining order is
that --X-- is not permitted to be present at a dance
when --Y-- is also present.

Please understand that BACDS is not responsible for
enforcing this restraining order. The responsibility
for enforcement rests entirely on --Y--, who may
to call the police (911) for assistance if required.

As a BACDS dance manager or door sitter, you may become
aware that one of the parties is about to enter a dance
where the other is present. You are not required to be
aware of this, nor to inform either party of your awareness.
You may do so, at your own discretion, if you believe it
will be helpful in resolving the situation.

You are authorized to offer a refund of the admission price
to anyone who is required to leave or chooses to leave a dance
under these circumstances.

You are not authorized to deny admission to anyone
unless you have direct evidence that the person is engaging
or intends to engage in disruptive behavior. Hearsay
evidence presented by someone else is not sufficient
by itself.

The responsibility of BACDS dance managers is to ensure
the safety and comfort of all attendees at our dances. To
this end, you are authorized to encourage the parties to
resolve their problems as peacefully and discreetly as
possible, and you are authorized to call the police
on your own behalf if you feel that the safety of other
attendees is threatened. Do not attempt to use force
or threats yourself except to prevent imminent bodily harm.

The BACDS Board is also concerned with the possibility
that either of the parties may engage in behavior
that injures BACDS by discouraging other people from
attending our dances. You are advised to watch for
signs of such problems, and to encourage dancers who have
been made uncomfortable to present their complaints to
directly to a Board member. We can arrange for such

matters to be handled confidentially, if necessary.

If you observe clearly unacceptable behavior, whether or not it relates to this case, you are authorized to ask the person to cease that behavior, and to ask the person to leave the dance if the behavior continues. Again, do not threaten or use force except to prevent imminent bodily harm.

We also consider it inadvisable for you to allow either party to the restraining order to act as door sitter or in any other official-looking capacity at a BACDS event until such time as the issue is resolved. Not only would this represent a conflict of interest for the person involved, but it also may negatively impact attendance by amplifying any of the concerns referred to in the preceding paragraphs.

The information in this message is to be treated as privileged and confidential. It is not to be shared with other people except on a need-to-know basis. It is assumed that anyone who is managing, directing, producing, or sitting the door at a BACDS event has a need to know.

If you have any further questions about this matter, feel free to contact me directly. I am keeping records of all communications I receive regarding this matter, and will share the information with those who need to know.

Dance managers: please print this message and make sure it is available for your door sitters to read.

Sample Warning Letter

Dear --X--,

Accusations have surfaced that your behavior toward a number of women in the dance community, not just --Y--, leaves something to be desired. It is not our intention at this point to discuss your past behavior. However, we write you to make clear that some of the behaviors that you have been accused of will not be tolerated at BACDS events in the future. You are welcome at our dances, but these behaviors are not.

If a woman tells you "no," you are to accept that at face value, without objection or argument. If a woman gives you the cold shoulder, you are to leave her alone henceforth. If a woman expresses interest in you, you may reciprocate, but if she later loses interest in you, you must accept that as gracefully as you can and leave her alone.

We recognize that dancing is a body-contact sport. As such, there will on rare occasions be unavoidable contact with parts of our partners and neighbors bodies that would not ordinarily be considered appropriate in polite company. However we expect these occasions ONLY VERY RARELY, and will not accept repeated transgressions. Keep your hands where they belong!

You have probably noticed that women are the minority gender at many contra dances. We can ill afford to have new women dancers leave our dances never to return because they experienced inappropriate behavior from other dancers. Such behavior will not be tolerated from ANYONE at BACDS dances.

We urge you to leave inappropriate behaviors at home when you attend BACDS events. You are welcome to attend our dances as long as these behaviors are not evident. If we determine that you demonstrate these behaviors at our dances in the future, we will ask that you no longer attend our dances and we will take steps to enforce that ban.

Yours very sincerely, on behalf of the BACDS Board of Directors,

_____	_____
--A--	--B--
President	Chairman

I acknowledge receipt of this letter. _____ _____
--X-- Date

Sample Dismissal Letter

Dear --X--,

It is with regret that I must inform you that the Board of Directors of the Bay Area Country Dance Society has voted to bar you from attendance at BACDS events.

We have been presented with credible evidence that you have continued to engage in the behaviors that we warned you to desist from in our letter of --date--. Specifically, we have had complaints about inappropriate touching and unwillingness to take no for an answer. On the basis of these complaints, we have no alternative but to implement the steps outlined in the last sentence of our warning letter: *If we determine that you demonstrate these behaviors at our dances in the future, we will ask that you no longer attend our dances and we will take steps to enforce that ban.*

Our Membership coordinator informs me that you have not renewed your BACDS membership for --year--. If, to the contrary, you can present evidence of having renewed your membership, we will be happy to refund your membership payment in full.

You are asked not to attend or sign up for any future BACDS dances or events. If you do attend, you will be asked to leave. If you do not leave, we will consider you a trespasser and will take legal steps to have you evicted.

Yours very sincerely, on behalf of the BACDS Board of Directors,

_____	_____
--A--	--B--
President	Witness

I acknowledge receipt of this letter. _____ _____
--X-- Date

Sample Letter to Door-Sitters

To all BACDS Dance Managers and Door Sitters

Effective --date--, the BACDS Board of Directors has voted to ban --X-- from attendance at all BACDS dances, camps, and events. --X-'s behavior has been the cause of a series of complaints over the course of the past year. The Board has found these complaints to be credible, and has determined that --X--´s behavior at BACDS dances may be making people uncomfortable enough that they stop attending dances.

As some of you may know, --X-- was served with a restraining order (case # --N--, San Francisco Superior Court) in --month-- by one of our dancers who accused him of harassment and stalking. At that time, the Board took a neutral stand with respect to the restraining order and the issue between the two dancers. But we also investigated and found that there was some evidence that --X--was bothering other dancers. On the basis of this evidence, we served --X-- with a warning letter on --date--, describing the specific behaviors (inappropriate touching and inability to accept "no" as an answer) and asking him to avoid them in the future, or be banned from our dances. Since then, the Board has been presented with evidence that --X-- has persisted in said behaviors. He was served with another letter on --date--, informing him of the ban and the reasons for it. I have enclosed copies of both letters for your information.

What this means to you is that if --X-- should come to a dance where you are sitting the door, you are to remind him of the ban, and to ask him to leave. Do not take his money, and if you do so inadvertently, return it to him. Feel free to enlist the help of other dancers if you are reluctant to confront him by yourself. This is a matter of public record, and nothing is gained by trying to keep it private. If --X-- refuses to leave, you should call the police and charge him with trespassing. If --X-- wishes to dispute the ban, he is welcome to come in person before the BACDS Board.

Feel free to clip out the picture and notice at the bottom and keep it with your cash box.

Sample Response to an Appeal Request

--Z--,

Here is some information that should be helpful to you if you wish to appeal to the BACDS Board in regard to the letter we sent you banning you from attending our dances. I have included here copies of the written complaints presented to the Board at our meeting on --date--, as well as a summary of the reasoning that I assume was used by the Board in reaching the decision to send you the letter.

If you do decide to come before the Board to appeal the decision, you must understand that this is not a judicial or a disciplinary

hearing. It is intended to be a fact-findng hearing, where you and any other interested parties can present both sides of the story, with arguments for or against the decision, or even suggestions for an alternative solution. After the discussion has ended, the Board has an opportunity to reconsider its decision and either reaffirm it or endorse a new solution.

Here is my summary of the Board's reasoning as I understand it (I was not actually present at the meeting, but I did participate in the preliminary discussions and talked to people afterwards).

1. The written statements (see below) come from trustworthy sources and were almost certainly supplemented by verbal accounts from Board members who have told me similar stories about you from their personal experience.

2. The evidence shows that you have a persistent tendency to handle your dance partners roughly, to hold them too close for their comfort, and to pull them forcefully into spins.

3. This behavior is common enough among beginning dancers, so we do tolerate it for a while. But you have been dancing with us long enough that you should have learned better by now. Experienced dancers lead rather than force, and they adapt their style to match their partner's, rather than expecting their partner to keep up with them.

4. A significant number of people have talked to you about this problem over the years, and some of them have made an effort to try to help you learn to be a better partner.

5. In spite of this, your troublesome behavior persists, You seem always ready to apologize and reform for a short time, but you revert to the old behavior soon after, and have been accused of being rude to people who refuse to dance with you.

6. There have been some instances where your rough handling has caused injuries to your partner.

7. There have been some instances where your habit of holding your partner too close appears to cross the line into sexual harassment. Your responses to people who have refused to dance with you are apparently percieved as sufficently threatening (by those people) as to constitute further evidence of a pattern of harassment.

8. BACDS can not afford to tolerate either the risk of injury or the risk of sexual harassment. If we are made aware of such a problem, and we allow it to persist without doing anything about it, we could be held legally liable.

9. In addition, there is an effect on our bottom line. If dancers are made uncomfortable, and they see it is not just a one-time problem but a persistent one, then they stop attending our dances. We lose money.

This is, approximately, the reasoning behind the decision to ban you from our dances. It is not a decision we take lightly. We think we have a pretty good idea how much you enjoy our dances and how much they mean to you. We'd much prefer to be welcoming to everyone, without reservations. But it doesn't work if welcoming one person just sets up a situation that drives away dozens of others, and exposes us to liability.

To convince us to change this decision, you will need to either find some significant flaw in the reasoning outlined above, or persuade us that there is some way you can learn to improve your behavior significantly, and permanently. If that isn't possible, I suggest you look for a form of dancing that involves less close contact and generally gentler movements.

Please let me know by --date-- whether you plan to attend the Board Meeting (on --date--), so I can adjust the agenda and meeting schedule appropriately.

-- Jens Dill
BACDS President
president@bacds.org

Written statement from --C--, --date--

I tried.

When I came back to dancing after a long hiatus, ...
[body of complaint deleted]

Written statement from --D--, --date--

I will also write a complaint against ...
[*body of complaint deleted]*

Written statement from --E--, --date--

OK... so here goes...
[*body of complaint deleted]*

Sample Letter of Expectations for Appeal Hearing

--Z--,

I am assuming that you still are planning to attend --date--'s board meeting. With that in mind, I just sent the following message to the other Board members in order to fill them in on my expectations for the meeting. You should also find it helpful in preparing yourself. I know this is a difficult thing to deal with, for you even more than the rest of us, and I want to let you know that I will try my best to keep the discussion civil and on track.

Anyway, what follows is what I sent to the Board.
I hope it helps.

--Signature--

All,

--Z--'s note from --date-- (below) indicates
that he does plan to attend this week's Board Meeting:

> I am planning on coming to the meeting and will try
> to arrive before 8pm.

As is customary when a vistor brings business before the Board, we will offer to rearrange the agenda to handle the visitor's business before everything else, so we can expect to discuss --Z--'s appeal starting at 8:00. I am hoping we can get through this by 8:30 or 8:45 at the latest.

As I noted in my earlier message to --Z--, this is supposed to be a hearing to hear his side of the story, assess the facts as best we can, and determine whether some mitigation of his ban is in order. His job is to persuade us that either

1. The complaints we have received are in error,
2. Our logic in imposing the ban was flawed,
3. That there is a better solution to the situation than the ban as we set it out.

Judging from the things --Z-- said in his reply (below), it appears he does not plan to challenge either the complaints or the logic, but will focus on #3 -- finding a way to mitigate the ban so that he can have a chance to change his behavior enough to satisfy the complainants.

So we should do the same. It is clear from the comments I have already received that many people connected with the –specific-dance-- do not want to see --Z-- come back to their dance. But even if we let that part of the ban stand, there are some other questions we don't yet have answers to:

1. English dance and Morris dance do not offer the same kind of movements or body contacts that are common to Contra. Could we limit the ban to Contra dances only?

2. Is it reasonable to put a time limit on the ban?

3. The threat of a re-imposed ban is a far stronger motivating force than any number of one-on-one attempts to help --Z-- learn. Is it enough? Can we believe that --Z-- is now motivated to change his behavior?

4. Assuming we are willing to believe that --Z-- can change his behavior given sufficient motivation, how can we help make this happen?

5. If we relax the ban enough to let --Z-- come to some of our dances, how do we provide the help he needs, and how do we track his progress?

6. If we retain the ban, but offer to let --Z-- come back after he has demonstrated elsewhere that his behavior is improved, are we not unfairly dumping the problem on our neighboring dance communities?

Please keep these questions in mind, and try to come up with

other ideas as well. The more we can think this through beforehand, the more likely we are to have a successful meeting.

It would be very useful to hear from the managers or programmers of our other Contra dances to see if --Z-- has had the same impact on their dances that he has apparently had at --location--.

I did discuss this situation (and our previous similar situation) with representatives of other dance communities at the CDSS Leadership Conference last weekend. Several groups reported similar problems, and handled them in similar ways, and they pretty much validated what we have done so far.

We also need to keep in mind, as --Board Member-- reminded us, that we have a moral responsibility to see to the safety and security of our entire dance community, over and above any legal and financial concerns. I will do my best to keep the discussion focused at this level, and try to steer us away from personal remarks or heated discussion.

I encourage you to invite anyone who is interested in contributing to this discussion to attend the Board Meeting. It will be on --date--, at --location--.

--signature--

(I will be forwarding a copy of this to --Z--, so that he, too, will know what to expect at the meeting.)