REPORT TO AMC ON THE TWO HEARINGS HELD IN ATLANTA ON OCTOBER 8TH & 9TH, 2005

The Hearings Committee, Bob Beatty, Sallie Banko, and Dave Remine as Chair, after receiving charges filed by a member against several other members of Mensa in Georgia and then receiving charges filed by several members against the first member reached a decision to hold back to back hearings on the matters. These hearings were held October 8th and 9th in Atlanta Georgia. The testimony in the first hearing took about 8.5 hours and in the second 5 hours. The Hearings Committee then met for 2 hours to discuss the evidence and our preliminary findings. Further discussion took place by email upon our return home. The attached decisions in the two hearings are unanimous.

Also attached are two addendums, the first being our opinion of the circumstances that led to the need for these hearings; the second our suggestions to the local group's board that if enacted should prevent a re-occurrence of such problems in the future. We fully realize that the Hearings Committee has no power to enforce our suggestions but sincerely hope that the local group will heed them. As for our opinion on what led up to these hearings it is derived from the more than 13 hours of testimony and reading over 170 pages of written submittals by the parties concerned.

National hearings should be avoided if at all possible and should be a last resort to solving problems. In this case much effort was devoted by many people to trying to avoid it ever reaching such a level. Long before the National Hearings Committee received the filings the underlying conflict had been presented to no less than a local board, an election challenge committee, a local mediator, two successive RVCs of the region, a third RVC as a request for a regional hearing, and the national Ombudsman. But as we saw here there are cases were no amount of effort, no number of attempts at mediation, will work unless all parties are willing to accept that it may not work out 100 percent to their liking. If parties are unwilling to accept anything less than total victory as they see it then such efforts, no matter how competent and well intended, have no hope of succeeding.

Respectfully submitted on behalf of the Hearings Committee,

Dave Remine, Chair
October 28th, 2005

Decision of the HEARINGS COMMITTEE in the matter of:

Roger Grabman, Mark Collins, Linda Woodhead, Paul Golden, Rick Busbee, Jim Kaufman, Jan Fredrickson, and Bertie Clarke vs. Barry Levine

1- That he harmed Mensa by making recruitment and retention of members, volunteers, and officers difficult by his harassment of any who disagreed with him.

Verdict: Guilty

2- That he harmed Mensa in that his behavior resulted in members either lapsing their membership or withdrawing from local involvement such as hosting or attending events.

Verdict: Guilty

Sanctions:

Mr. Levine will not be a member of Mensa in Georgia for a period of five years from the date of this decision.
However, he will retain his membership in American Mensa and may choose to be a member of any other chapter by preference.

He will be permitted to attend any event in Mensa in Georgia only at the expressed invitation of the host.

Submitted on behalf of the Hearings Committee,
Dave Remine, chair
October 28, 2005

Decision of the HEARINGS COMMITTEE in the matter of:

Barry Levine vs. Roger Grabman, Stephen Mills, Marcia Brandes, Mark Collins, Mark Shoop, Linda Woodhead, Scott Oliver, Mike Seigler, and Bertie Clarke

Roger Grabman

1 - That they denied access to something a Mensan has a right to and failed to treat all members equally as per Bylaws IX (3).

Not guilty

2 - That they made misrepresentations, as officers, to the membership in official reports and communications.

Not guilty

Mark Shoop

1 - That they denied access to something a Mensan has a right to and failed to treat all members equally as per Bylaws IX (3).

Not guilty

2 - That they made misrepresentations, as officers, to the membership in official reports and communications.

Not guilty

Linda Woodhead

1 - That they denied access to something a Mensan has a right to and failed to treat all members equally as per Bylaws IX (3).

Not guilty

2 - That they made misrepresentations, as officers, to the membership in official reports and communications.

Not guilty

Scott Oliver

1 - That they denied access to something a Mensan has a right to and failed to treat all members equally as per Bylaws IX (3).

Not guilty

2 - That they made misrepresentations, as officers, to the membership in official reports and communications.

Not guilty

Stephen Mills

1 - That they denied access to something a Mensan has a right to and failed to treat all members equally as per Bylaws IX (3).

Guilty

Sanctions:

Mr. Mills shall not hold an elected or appointed office in Mensa for a period of two years from the date of this decision.

2 - That they made misrepresentations, as officers, to the membership in official reports and communications.

Not guilty

Marcia Brandes

1 - That they denied access to something a Mensan has a right to and failed to treat all members equally as per Bylaws IX (3).

Not guilty

2 - That they made misrepresentations, as officers, to the membership in official reports and communications.

Not guilty

Mark Collins

1 - That they denied access to something a Mensan has a right to and failed to treat all members equally as per Bylaws IX (3).

Not guilty

2 - That they made misrepresentations, as officers, to the membership in official reports and communications.

Not guilty

Bertie Clarke

1 - That they denied access to something a Mensan has a right to and failed to treat all members equally as per Bylaws IX (3).

Not guilty

2 - That they made misrepresentations, as officers, to the membership in official reports and communications.

Not guilty

Mike Seigler

1 - That they denied access to something a Mensan has a right to and failed to treat all members equally as per Bylaws IX (3).

Not guilty

2 - That they made misrepresentations, as officers, to the membership in official reports and communications.

Not guilty

Submitted on behalf of the Hearings Committee,

Dave Remine, chair
October 28, 2005

The opinions of the Hearings Committee as to what led to the need for hearings in Atlanta.

There were numerous times in MOTS and in important documents and other printed material when words or phrases were used that left themselves open to interpretation in multiple ways. It is believed by the Hearings Committee that none of these were deliberate attempts of deceit or deception but served as the basis for misunderstandings that festered.

As an example; the letter of 27 June 2002 stating the luncheon hosts have brought contention, disruption, and disrepute to Mensa of Georgia was ill-advised and should not have been written in the manner that it was. It is clear that there was "contention" and it may have caused "disruption" but to say it brought "disrepute" to the local group was over the top and served only to spark animosity. Further unfortunate word choices which were used in the letter of September 2, 2002 which states "This letter rescinds the letter from the Executive Committee to the above parties, dated June 27, 2002 and renders that letter null and void." did in fact acknowledge the initial error that was made by the signers of the letter of 27 June 2002. However they did nothing to quell the problem but rather furthered the misunderstandings. The choice of "rescind" versus "retract" appears to have been the root of much to follow.

Unwillingness to accept the decisions of the Election Committee that was initially agreed to by those concerned despite being appointed under very questionable rules that were impossible to be followed as written in the local group's bylaws led to further problems.

Sloppiness in making appointments such as in the matter contact persons for the luncheons in general, and the Algonquin luncheon in particular, the Board opened yet another avenue of contention that most surely contributed to the ever growing and widening rift.

It should be clear to anyone that state law takes precedent over Mensa's Bylaws as regards a person's home and their right to refuse entry to anyone. It appears that some members falsely believe that is not the case when a Mensa event is held. While Mensa mandates that business meetings must be open to any member there is nothing, even in Mensa's rules, that says a member must allow any other member to attend a party in their home. This false belief led to deliberate actions that one host felt were necessary and one member feeling wronged due to lack of an "Evite."

Minutes of meetings are what they are – a summary of actions taken at a meeting. Therefore, there is no validity in challenging the minutes if one disputes whether what was said was accurate. The minutes reflect only what was said, whether one agrees with what was said or not. This was but another area of contention between parties as was the setting of board agendas. A Board of Directors is within its authority to set its own agenda, and to permit or not permit a non-Board member to speak at the board meeting.

It was clear to the Hearings Committee that several relatively minor misunderstandings and gaffs led to an ever escalating, ever festering rift that simply would not go away. Many members became increasingly frustrated and soon the feelings turned to one of "I'm being harassed" and "I will not take this crap any longer." It is painfully clear that what should have been a minor matter was allowed to grow into a major problem for not only those directly involved but for all the members of Mensa in Georgia. The amount of time and effort that this rift devoured could have been much better devoted to serving the membership in more positive ways. We can only imagine what could have been accomplished by all concerned had they not been wasting their time upon this battle. The battle itself became like a black hole, sucking into it all light and energy, energy that could have accomplished so much more for all the membership had it not been wasted.

The problem consumed not only the energy and time of the local board and various members but also that of the RVC, the national Ombudsman and finally the Hearing Committee. It also cost Mensa a considerable sum of money. But perhaps an even greater cost is the number of members who were lost to us, a figure we'll never know since many simply and silently fail to renew; the potential hosts of events or volunteers for office who choose not to do so due to the atmosphere created by the riff; and the staff time devoted to aiding the parties involved including the Hearings Committee to prepare for the hearings.

Respectfully submitted on behalf of the Hearings Committee,

Dave Remine, Chair
October 28, 2005

SUGGESTIONS OF THE HEARINGS COMMITTEE TO THE BOARD OF MENSA IN GEORGIA

Mensa of Georgia should review and revise their by-laws, at least to include a section on properly naming a Nominating Committee, if one is desired, but most especially an Elections Committee and for it to be appointed at least three months prior to the election. This by-law modification will include the Election Committee's right to set the number of words for a candidate's statement in MOTS. This word limit shall be made available to the membership at least 30 days prior to when the statements are due to be submitted.

In addition the board should adopt a Code of Election Procedures that spells out dates, word limits, voting style to be used on ballots, and the procedure (especially grounds and time limits) for challenging the election.

There should be a clear Editorial Policy formerly adopted by the board that sets forth the Editor's duties, authority, and the avenue of appeal from an Editor's ruling if any.

The board should make all appointments in a formal manner, including hosts for major or long time established events.

Respectfully submitted on behalf of the Hearings Committee,

Dave Remine, Chair
October 28, 2005