

Report of the Ethics Committee Pursuant to a Zoom Conference Call: November 19, 2019

Part A

Background: The committee received a complaint filed by member Suzan Tisdale against fellow member Courtney Milan, alleging several violations of the RWA Code of Ethics. Specifically, there is an allegation of violations of the following sections of the Code of Ethics within the Policy Manual:

1. (Section 6.1.1) Repeatedly or intentionally engaging in conduct injurious to RWA or its purposes.
2. (Section 15.9.1) Repeatedly or intentionally engaging in any other acts of a violent, harassing (as defined in 16.10.2.1) or intimidating conduct that objectively threaten a member's career, reputation, safety or wellbeing. Specifically excluded from this section are exchanges of business information, true statement personal disagreements, honest discussions of books, non-RWA operated social media posts, and marketing materials.
3. (Section 15.9.4) Board members shall not engage in or facilitate any discriminatory or harassing behavior toward RWA staff, members, Officers, Directors, meeting attendees, exhibitors, advertisers, sponsors, suppliers, contractors, or others in the context of activities relating to RWA.
4. (Section 6.6.3.8) Repeatedly or intentionally making a member's personal, private identifying information public with the intent of harming the other member's career, reputation, or well-being.

Suzan Tisdale outlined the allegations in a letter to the RWA Board Members and Ethics Committee, received by the Executive Director, and supported the allegations with a stream of social media posts that disparaged Ms. Tisdale, her publishing company (Glenfinnan Publishing), and several of her acquiring editors. Most particularly, Ms. Tisdale and her associates were accused of being racists in derogatory terms.

Ms. Milan responded to the committee in writing and justified the language cited in Ms. Tisdale's accusations. In a lengthy rebuttal of the evidence presented, Ms Milan particularly noted, among other points:

1. She is a Chinese-American woman who spoke out against negative stereotypes of Chinese-American women.
2. The issue was discussed by many members of the writing community before August 16, 2019, when she joined the conversation in earnest.
3. She did not refer to an acquiring editor of Glenfinnan as a "fucking racist mess" but was referring to a book.
4. Ms. Tisdale does not assert any conduct on the part of Ms. Milan which is in violation of the RWA Code of Ethics, and enumerates the various sections she cites in the complaint as "clearly inapplicable on their face."

The Committee's Work: The committee reviewed all the material provided by both parties and discussed the matter in full and for over two hours in meeting. The

determination was that no additional information was needed to arrive at conclusions on each point.

Discussion: The committee reviewed Suzan Tisdale’s complaint, accusation-by-accusation, and as a whole. On the specific issues before the committee, the committee has determined several findings, including but limited to the following. In all instances, the vote of the committee members was unanimous.

1. In the matter of engaging in conduct injurious to RWA or its purposes (Section 6.1.1), the committee determined that Ms. Milan’s comments were in violation of the organization’s expressed purpose of creating a “safe and respectful environment” for its community of writers. Most particularly, the committee considered the legal phrase of “invidious discrimination,” defined as “By word or deed likely to arouse, inflame, or incur resentment or anger in others; tending to cause discontent, animosity, envy; words that created an unjust comparison or were unfairly discriminating,” as being applicable to this case. In addition, the committee determined that Section 6.1.1 is **not** qualified by Section 15.9.4 (noted below).
2. Of the accusation that Ms. Milan violated Section 15.9.1 (Repeatedly or intentionally engaging in any other acts of a violent, harassing [as defined in 16.10.2.1] or intimidating conduct that objectively threaten a member’s career, reputation, safety or wellbeing. Specifically excluded from this section are exchanges of business information, true statement personal disagreements, honest discussions of books, non-RWA operated social media posts, and marketing materials), the committee finds with Ms. Milan, as it is presently unable to adjudicate postings on social media not operated by RWA. However, the committee was also made aware that Ms. Milan served on the Board when this exception was approved, and very likely understood she would be able to act in the manner she did, without being in violation of the code.
3. In the matter of 15.9.4 (Board members shall not engage in or facilitate any discriminatory or harassing behavior toward RWA staff, members, Officers, Directors, meeting attendees, exhibitors, advertisers, sponsors, suppliers, contractors, or others in the context of activities relating to RWA), the committee finds with Ms. Milan, as she was not a Member of the RWA board when the social media interchange took place.
4. Inasmuch as the complainant’s “personal, private identifying information [was not made] public,” but was already well publicized, the committee finds that a violation of Section 6.6.3.8 did not occur.

Recommendations:

1. Pursuant to the determination that Ms. Milan violated Section 6.1.1 in the Policy Manual, the committee recommends that Ms. Milan
 - a. Be censured by RWA
 - b. Be suspended from RWA membership for one year

- c. Receive a lifetime ban on holding any position of leadership on the RWA National Board, or on an RWA Chapter Board.
2. Inasmuch as the committee felt its hands were tied in the matter of adjudicating postings on social media not operated by RWA, no matter how egregious the author's intent, the committee recommends that the RWA Board revisit this matter with respect to the circumstances of this complaint.

Part B

Background: The committee received a corollary complaint filed by member Kathryn Lynn Davis against fellow member Courtney Milan, alleging several violations of the RWA Code of Ethics, and alleging the consequence of which was the loss of a three-book contract. Specifically, there is an allegation of violations of the following sections of the Code of Ethics within the Policy Manual:

1. (Section 6.1.1) Repeatedly or intentionally engaging in conduct injurious to RWA or its purposes.
2. (Section 15.9.4.1) RWA Directors, chapter officers, committee members and task force members should understand that by virtue of their leadership positions, their communications might be perceived by third parties as being made on behalf of RWA. While RWA embraces freedom of communication, that freedom must be balanced against one's duties to RWA. books, non-RWA operated social media posts, and marketing materials.
3. (Section 15.9.1) Repeatedly or intentionally engaging in any other acts of a violent, harassing (as defined in 16.10.2.1) or intimidating conduct that objectively threaten a member's career, reputation, safety or wellbeing. Specifically excluded from this section are exchanges of business information, true statement personal disagreements, honest discussions of books, non-RWA operated social media posts, and marketing materials.

Kathryn Lynn Davis outlined the allegations in a letter to the RWA Board Members and Ethics Committee, received by the Executive Director, and supported the allegations with screen shots of social media posts posted by Ms. Milan. These highlighted passages in Ms. Davis's books, most particularly in *Somewhere Lies the Moon*, published twenty years ago.

Ms. Milan responded to the committee in writing, though only referenced Ms. Davis in regard to the complaints submitted by Suzan Tisdale. On page 6 of her response she noted:

1. “My objections to [*Somewhere Lies the Moon*] were laid out in full Exhibit O (sic). While she refers to the thread as ‘false,’ she does not explain what is false about them, and indeed, the majority of the thread consists of direct screenshots from the book so those who follow along can make up their own mind. I continue to believe the book by Davis was a racist mess.”

The Committee’s Work: The committee reviewed all the material provided by both parties and discussed the matter in full and for over two hours in meeting. The determination was that no additional information was needed to arrive at conclusions on each point.

Discussion: The committee reviewed Kathryn Lynn Davis’s complaint, accusation-by-accusation, and as a whole. On the specific issues before the committee, the committee has determined several findings, including but limited to the following. In all instances, the vote of the committee members was unanimous.

1. In the matter of engaging in conduct injurious to RWA or its purposes (Section 6.1.1), the committee determined that Ms. Milan’s comments were in violation of the organization’s expressed purpose of creating a “safe and respectful environment” for its community of writers. Most particularly, the committee considered the legal phrase of “invidious discrimination,” defined as “By word or deed likely to arouse, inflame, or incur resentment or anger in others; tending to cause discontent, animosity, envy; words that created an unjust comparison or were unfairly discriminating,” as being applicable to this case.
2. Of the accusation that Ms. Milan violated Section 15.9.4.1 (RWA Directors, chapter officers, committee members and task force members should understand that by virtue of their leadership positions, their communications might be perceived by third parties as being made on behalf of RWA. While RWA embraces freedom of communication, that freedom must be balanced against one’s duties to RWA. books, non-RWA operated social media posts, and marketing materials), the committee noted that this section is a general directive, and not a particular ethics violation.
3. In the matter of 15.9.1 (Repeatedly or intentionally engaging in any other acts of a violent, harassing [as defined in 16.10.2.1] or intimidating conduct that objectively threaten a member’s career, reputation, safety or wellbeing. Specifically excluded from this section are exchanges of business information, true statement personal disagreements, honest discussions of books, non-RWA operated social media posts, and marketing materials), the committee reiterated that it cannot adjudicate comments posted to non-RWA social media.

Recommendations:

The committee made its recommendations based upon the evidence provided in Part A and B of this report, and the consequences of Ms. Milan’s words and actions are applicable to both complaints. The committee notes that (b) is recommended for a total of one year.

To reiterate:

1. Pursuant to the determination that Ms. Milan violated Section 6.1.1 in the Policy Manual, the committee recommends that Ms. Milan
 - a. Be censured by RWA
 - b. Be suspended from RWA membership for one year
 - c. Receive a lifetime ban on holding any position of leadership on the RWA National Board, or on an RWA Chapter Board.

2. Inasmuch as the committee felt its hands were tied in the matter of adjudicating postings on social media not operated by RWA, no matter how egregious the author's intent, the committee recommends that the RWA Board revisit this matter in light of the circumstances of this complaint.

Respectfully Submitted,

The Ethics Committee
Final report submitted December 11, 2019