

02nd November 2010

Mr *****,

At our meeting last evening a motion was passed that could lead to your expulsion from membership of the band as a result of your conduct in relation to your use of the previous band website - www.norfolkwherrybrass.org.uk . Pursuant to the Norfolk Wherry Brass Rule 2a, the committee would like to offer you the opportunity to make a written explanation of your actions.

Please respond to the following queries:

1. Please explain why you felt it appropriate to publish on the internet details of the correspondence related to what you describe as 'The Waistcoat Saga'. Your explanation should include your reason for publishing written private correspondence.
2. The committee feels that your actions have brought the band into disrepute. How do you respond to this?

I would appreciate a written response within seven days of the above date. Yours,

Miss Y Owers Secretary

8 November, 2010

Dear Miss Owers,

Regarding your letter to me of the 2nd inst., I accept the committee's offer of the opportunity to make a written explanation of my actions, pursuant to Norfolk Wherry Brass Rule 2a, as far as I am able, given the lack of specifics in your letter.

The first of your two queries is:

"Please explain why you felt it appropriate to publish on the internet details of the correspondence related to what you describe as 'The Waistcoat Saga'. Your explanation should include your reason for publishing written private correspondence."

I am aware that band members were discussing this whole incident with others outside the band, within days of the two apology letters being sent and weeks before the launch of my website.

Furthermore, at the concert in Stalham Church on 4 September, a number of local people who know Glen expressed concern at, and asked her questions about, her non-involvement in the concert, to which she felt unable to reply.

Local people were talking about this and members of other bands were aware of some of what was going on. If facts aren't known, rumours are born and multiply. I believed that that would be to Glen's and my detriment.

Consequently, I prepared a website to explain, factually and objectively, what had caused Glen and me to resign our posts. Had I just published the explanatory page (the Home page), I could have been accused of exaggeration or falsehood.

The correspondence was published, having first had email addresses and surnames removed, so that any reader could test and judge my veracity. None of this correspondence had been marked as 'private' and/or 'confidential'.

Emails between individuals are commonly regarded as **not** being 'private'. They are the electronic equivalent of postal postcards. Emails to a group address would be regarded as even less private.

The only way an email can be made 'private' is by encryption. Even marking a message 'Private' or 'Confidential' does not ensure privacy.

There is no obligation on any recipient to hold an 'ordinary' email confidential, unless specifically asked so to do. None of the emails I published was so marked and I have breached no confidence.

I did not publish all of the email correspondence, only that which was relevant to my explanation of the situation. Among the other emails that I have is evidence that two committee members **did** breach **my** confidence.

Without my knowledge or consent, they forwarded a confidential message about this matter to another committee member.

In my opinion, it is neither just nor fair that an inference has been made that I have somehow breached a confidence, which I deny most strongly, by publishing emails that were not confidential, by a committee which has among its members two people against whom I have clear evidence that they breached **my** confidence by publishing one that was.

Your second query is:

"The committee feels that your actions have brought the band into disrepute. How do you respond to this?"

I cannot respond to how the committee 'feels'. How the committee 'feels' is not a matter that is addressed in Rule 2a. 'Feelings' are an emotional state and, though genuine, may be regarded by anyone else as totally unreasonable

It is only to the committee's opinion that reference is made by Rule 2a. Opinions are formed from evidence and fact, and can be argued for and against.

Bringing "the band into disrepute" is not an expression used in Rule 2a and is so vague as to defy response. There are four options for censure under Rule 2a and your letter has mentioned none of them.

It is totally unreasonable to expect me to respond to any matters that are outside the remit of the committee under Rule 2a.

You have not told me of what I am accused. One of the prerequisites of a decision to expel is that the member "*must be given...a reasonable opportunity of defending himself and meeting the accusations brought against him...*" [*Fisher v Keane (1878) and others*]

I have tried to answer your queries, but I have not been given sufficient information about the accusation(s) against me to enable me properly to defend myself.

Yours sincerely,

Geoff

25th November 2010

Dear Mr *****,

Further to our recent correspondence.

Thank you for your reply to the committee queries. Your letter was passed to all committee members for consideration.

I am now writing to inform you of the committee decision. In accordance with the band rules (2a) a secret ballot of the committee was held to decide upon your continued membership of the band. The decision is that your membership is terminated with **immediate** effect. This decision is final.

A year's membership subscription will be refunded to you in due course.

I must respectfully ask that neither you or Mrs ***** attend further band practices or engagements and that any band property you may hold be returned to the Bandmaster.

Yours sincerely,

Alex Bishop,
Chairman,
Norfolk Wherry Brass.