ISKCON Prevention of Leadership Sexual Misconduct Policy and Guidelines

ISKCON Prevention of Leadership Misconduct Office

Table of Contents

A. POLICY ON PREVENTION OF LEADERSHIP MISCONDUCT 3

INTRODUCTORY STATEMENT 3

WHAT IS LEADERSHIP SEXUAL MISCONDUCT? 4

SEXUAL BEHAVIOR AND HARRASSMENT 5

SEXUAL ABUSE 5

ISKCON'S RESPONSE TO LEADERSHIP SEXUAL MISCONDUCT 6

B. DISCIPLINARY PROCEDURES 7

PROCEDURES FOR RESOLVING COMPLAINTS: 7

THE INFORMATION GATHERING PROCESS 8

SUSPENSION OF A LEADER PENDING FINALISATION OF INFORMATION GATHERING AND/OR A DISCIPLINARY ENQUIRY 10

THE DISCIPLINARY COMMITTEE 11

QUALIFICATIONS, CHALLENGES AND REPLACEMENT OF A DISCIPLINARY COMMITTEE MEMBER 12

FUNCTIONS OF THE DISCIPLINARY COMMITTEE 13

CONDUCTING THE DISCIPLINARY ENQUIRY 13

DISCIPLINARY COMMITTEE'S DECISION AND RECOMMENDATION 14

STANDARD OF EVIDENCE AND REACHING A DECISION 15

JURISDICTION AND SCOPE OF DISCIPLINARY COMMITTEE DECISIONS LIMITED TO ISKCON 17

WRITTEN DECISIONS 17

DISTRIBUTION OF DECISIONS 18

DECISIONS WHERE A PERSON HAS BEEN FOUND GUILTY OF SEXUAL OFFENSES IN A CRIMINAL COURT 18

ADDITIONAL POLICIES AND PROCEDURES 19

1. CONFIDENTIALITY 19

2. APPLICATION OF DECISIONS THROUGHOUT ISKCON 20

3. STATUTE OF LIMITATIONS 20

4. DOUBLE JEOPARDY 20

APPEAL, REVIEW AND RENEW 21

APPEAL 21

REVIEW 21

RENEW 22

APPEAL AND REVIEW PROCEDURES 23
FEEDBACK AND EVALUATION OF THE PLM OFFICE 24
CONCLUSION 25

APPENDIX A: GENERAL PRINCIPLES FOR ISKCON LEADERS 26

APPENDIX B: PREVENTATIVE AND RESPONSE PRINCIPLES 27

APPENDIX C: ROLE AND DUTIES OF THE ISKCON INTERNATIONAL PLM OFFICE 28
A. The PLM OFFICE WILL SERVE A NUMBER OF FUNCTIONS 28
B. REQUIREMENTS FOR INTERNATIONAL DIRECTOR AND REGIONAL DIRECTORS 29
C. DUTIES OF INTERNATIONAL DIRECTOR 29
D. FUNCTIONS OF REGIONAL OFFICES 30

REQUIREMENTS FOR PLM CONSULTANTS 30
ALLEGATIONS AGAINST PLM STAFF 30

A. POLICY ON PREVENTION OF LEADERSHIP MISCONDUCT

INTRODUCTORY STATEMENT

The International Society for Krishna Consciousness (ISKCON) recognizes that association and relationships in spiritual life are critically important for guidance, support and advancement on the path of devotional activity. Devotee association gives us spiritual strength and inspiration. These relationships, however, must be carefully managed – particularly for those in leadership positions.

Servant-leadership is the mood by which ISKCON leaders must execute their duties. Leaders must be caring and compassionate and inspire devotees in their spiritual quest. Simultaneously, leaders must maintain a formal, respectful and appropriate emotional and physical distance and exercise their guidance within the purview of objectivity. Generally, a good leader has the privilege of the trust and confidence of those who follow his / her instructions and guidance.

It is this trust and confidence that needs to be nurtured and strongly guarded against exploitation.

Unfortunately, leader or clergy sexual misconduct has become increasingly prevalent as a problem across many religious denominations. ISKCON is choosing to be proactive in preventing such abuse and in formulating Policy and Procedure Guidelines on how to respond to complaints of leadership sexual misconduct. Whilst the ISKCON Central Child Protection Office (CPO) with its Guidelines is equipped to deal with allegations of child abuse, the establishment of ISKCON'S International Office for the Prevention of Leadership Misconduct (hereinafter referred to as the PLMO) shall set standards of behavior expected of leaders and guide in the response to allegations of sexual misconduct by leaders with vulnerable adults.

In this light, it is important for all participants of ISKCON to understand what leader sexual misconduct is. Leaders especially need to inform themselves and others who serve with them. This will help leaders create healthy boundaries and protect those who serve under them.

ISKCON will seek to prevent any behavior by its leaders that constitute sexual misconduct. ISKCON is committed to providing a safe environment for worship, work, service and study in all spheres of the institution, including but not limited to its congregants. Complaints of sexual misconduct will be taken seriously and will be dealt with in a spirit of justice and compassion.

This Policy and Procedure Guidelines will accordingly focus on leadership sexual misconduct.

The purpose of this policy is to:

a) promote a safe, secure and sacred environment in which the dignity of all persons is respected and which is free from inappropriate sexual behavior, including abuse and harassment.

b) provide measures to address and eliminate sexual misconduct by leaders.

WHAT IS LEADERSHIP SEXUAL MISCONDUCT?

Sexual misconduct within ministerial, service and work relationships within ISKCON is a betrayal of sacred trust.

It can include child abuse, adult sexual abuse, harassment, rape or sexual assault, sexualized verbal comments or visuals, unwelcome touching and advances, use of sexualized materials including pornography, stalking, sexual abuse of youth or those without capacity to consent, or misuse of the position of trust by taking advantage of the vulnerability of another. It includes criminal behaviors in some nations, states, and communities.

Sexual misconduct is a broad range of acts which may overlap in respect of sexual behavior, sexual harassment and sexual abuse.

SEXUAL BEHAVIOR AND HARRASSMENT

Sexual behavior is behavior that communicates sexual interest and/or content. Examples include, but are not limited to obscene gestures, indecent exposure, jeering or whistling, any physical or computerized display of sexually offensive, sexually suggestive or explicit materials, use of pornography, making sexual comments or innuendo about one's own or another person's body, sex life or private life, and touching or rubbing oneself in the presence of another person.

Sexual harassment is also a form of sexual misconduct and comprises of repetitive acts of sexual behavior perpetrated on an intermittent or ongoing basis within a preaching, management, employment, ministerial (including volunteers), mentor, teacher or colleague relationship that is so severe or pervasive that it alters the conditions of the relationship by creating an offensive environment. It includes but is not limited to the acts of sexual behavior listed above as well as sexual demands, comments or conduct of a sexual nature, sexual jokes, verbal comments having sexual overtones and innuendos, letters, e-mails, messages or calls of a sexual nature.

SEXUAL ABUSE

Sexual abuse is a form of sexual misconduct and occurs when a person within a role of leadership engages in sexual contact with a disciple, resident devotee, congregant, employee, student, staff member, co-worker, or volunteer. The sexual contact can range from touching to sexual assault and intercourse.

NOTE: Sexual contact DOES NOT have to be co-erced or forced. In the context of leadership sexual misconduct, the power differential between leaders and their followers is such that the follower is presumed to be unable to give consent.

Leadership sexual misconduct in any form is unacceptable, notwithstanding the fact that the sexual activity may be consensual. Anyone who serves within and under the authority of ISKCON must be held to the highest standards of behavior, free of sexual misconduct in any form.

ISKCON'S RESPONSE TO LEADERSHIP SEXUAL MISCONDUCT

ISKCON espouses refined ethical and spiritual values and behaviors which call for more restraint and sensitivity than would generally be expected or enforced in secular law. Moreover, as a religious organization, ISKCON holds broad constitutional rights and autonomy in making ecclesiastic decisions regarding its own internal affairs, including matters of faith, doctrine and internal governance.

ISKCON asserts its inviolate legal right and spiritual mandate to evaluate and make ecclesiastic decisions regarding ISKCON leaders, clergy and personnel in relation to shastric (scriptural) principles, spiritual standards and the instructions, elucidations and directives provided by the Founder-Acarya of ISKCON, His Divine Grace A. C. Bhaktivedanta Swami Prabhupada.

It is against this background that this Policy and Procedure Guidelines intends to hold its leadership accountable for any acts of sexual misconduct. This is in addition to any secular laws that may have jurisdiction over sexual harassment or abuse.

B. DISCIPLINARY PROCEDURES

PROCEDURES FOR RESOLVING COMPLAINTS:

The procedures to deal with complaints of sexual misconduct aim to ensure that:-

(a) Complaints of sexual misconduct are considered seriously and sympathetically and are dealt with efficiently and confidentially; and

(b) The rights of both the complainant and leader (hereinafter referred to as the respondent) are respected.

Nothing in these Guidelines should be construed to derogate from the local laws applicable in the State where the complaint arises from or where local legislation exists that holds perpetrators of leadership sexual misconduct accountable for such actions. In such instances, complainants should be encouraged to avail themselves of such processes and ISKCON commits itself to co-operate with secular authorities, where required, in pursuance of resolving complaints through such judicial processes.

In any event, in so far as not inconsistent with local laws, the following procedures have been put in place to ensure that complaints of leadership sexual misconduct are dealt with fairly and properly within ISKCON.

Notwithstanding the fact that the disciplinary procedure is normally only used where other interventions have failed to produce the required improvement or when the conduct matter is sufficiently serious to require immediate formal action, the complainant is entitled to follow the below-mentioned formal procedure without seeking any other intervention or without attempting to resolve the complaint informally.

THE INFORMATION GATHERING PROCESS

I. Anyone who has reasonable and substantiated suspicion that a leader is engaging in sexual misconduct may contact a PLM consultant, where possible, and inform the consultant of the allegations of sexual misconduct. However, at least one of the individuals who was directly affected by the misconduct must complain to the office before an investigation can begin. Anonymous or third-party complaints shall not be considered for investigation unless confirmed by the actual person who was subjected to an act of sexual misconduct. Nothing precludes an individual from contacting the Director of the PLM office to report a complaint and/or seek assistance for the appointment of a consultant to investigate the complaint. In such instance, where there are no consultants in the area where the complaint has arisen from, the Director of the PLM office, in consultation with the relevant ISKCON authority, will appoint a consultant who with the supervision of a case manager, shall proceed to gather all relevant information regarding the complaint.

II. The consultant reviews the policy with the complainant and determines if the complaint is one to which the policy applies. The consultant also provides pastoral care and support to the complainant and advises of the right to institute legal proceedings, where applicable, against the respondent.

III. The complainant shall submit a written and signed complaint. In the event that the complainant chooses not to put the complaint in writing, the notes made by the consultant of the conversation with the complainant will serve as the written record of the complaint.

IV. Where a complaint has been received directly by a consultant, the consultant informs the Director of the PLM office that a complaint has been received and provides a copy of the written complaint and/or the written record of the meeting to the Director of the PLM office who will then appoint a case manager

V. Furthermore, in such instance, the Director of the PLM office or case manager will inform the relevant local GBC and Temple President (unless the complaint is about either of them, whereupon, the Director will inform the GBC Executive Committee) of the allegations and if there is a prima facie case against the respondent, seek their assistance and intervention in the institution of the disciplinary enquiry into the complaint.

VI. A consultant is assigned to the respondent and provided with a copy of the complaint. The same consultant who attended to the complaint may, in the event of there being a shortage of available consultants, be assigned to the respondent. Likewise, nothing whatsoever, prevents the Director or a case manager appointed by the Director from engaging directly with the complainant and respondent with the view to expedite the finalization of the matter, especially if there is a shortage of available consultants.

VII. The consultant assigned to the respondent contacts the respondent to inform him that a complaint has been made and explains the policy and procedure with the respondent. A summary of the complaint and witnesses' statements is provided to the respondent at this time and a written and signed response is requested. In the event of the Respondent being unwilling to respond to the complaint in writing, or at all, then the notes made by the consultant of the conversation or e-mail correspondence with the Respondent will serve as the written record of the response. The same principle will apply to any witness' statement that the Respondent may refer the consultant to

obtain/interview.

VIII. The complainant and the respondent may be represented or assisted by a person of their choice in providing information to the consultant.

IX. Whatever information, statements, documents and rebuttals provided by the respondent and his/her witness/es shall be copied and provided to the complainant. The complainant shall then have the opportunity to respond and present additional information in effect, a second time.

X. If additional information is so submitted, then such information shall be forwarded to the Respondent. S/he may then submit their second and final response with documents. Thus both parties have two opportunities to provide information and respond to one another, sequentially.

XI. The parties to this information gathering process should be encouraged to permit their interviews to be digitally recorded whether by way of audio or video recordings but should not be coerced in any way to be subjected to being recorded.

XII. All statements, exhibits, interview notes and recordings must be furnished to the PLM Office, regardless of whether the consultant finds the information credible, relevant or not.

SUSPENSION OF A LEADER PENDING FINALISATION OF INFORMATION GATHERING AND/OR A DISCIPLINARY ENQUIRY

The Director of the PLM office in consultation with the local GBC and / or the local Temple authorities (hereinafter referred to as responsible persons) shall determine whether or not it is necessary to suspend the respondent until the information gathering and disciplinary enquiry is completed.

In making the decision to suspend the respondent, the responsible persons shall within seven days of receiving a complaint:

(i) provide the respondent with an opportunity to correspond with them to provide comment on the appropriateness of the suspension;

(ii) consider the positive and negative impacts the removal of the respondent from the accountable position would have on the people directly involved in the complaint, other persons in the affected community, and the investigation;

(iii) not make any determination or assumption concerning the innocence or guilt of the respondent; and

(iv) keep in mind that this is a decision to be made in the best interests of the community served by the leader, as well as any individuals involved in filing the complaint. It is not, nor is it intended to be, a decision with respect to the innocence or guilt of the respondent.

(v) Notwithstanding the provisions of (i) to (iv) above, should the respondent be charged with a criminal offence or the alleged transgression be of such a serious nature that it requires the immediate suspension of the respondent, then s/he should be suspended immediately.

THE DISCIPLINARY COMMITTEE

A disciplinary committee composed of three individuals of outstanding integrity and good judgment will be approved and appointed (and may be removed) by the Director. In the selection process, the disciplinary committee members should ideally be of equal seniority (either in age, experience, number of years in ISKCON or leadership status) or higher seniority to the offender. The complainant and respondent will have an opportunity to object to the appointment of any member. Any such objection must be well substantiated.

The disciplinary committee members (hereinafter referred to as "member") shall be certified trained, in the capacity that they hold, by the PLM office.

QUALIFICATIONS, CHALLENGES AND REPLACEMENT OF A DISCIPLINARY COMMITTEE MEMBER

a) Each member shall be independent and impartial and shall not enter into direct communication with the complainant, respondent or consultants involved in the matter.

b) By accepting appointment, each member shall be deemed to be bound by these rules and any modification agreed to by the parties.

c) A member shall promptly disclose in writing to the Director, any circumstances that might cause doubt regarding the member's independence or impartiality. Such circumstances include bias, interest in the result of the adjudication, and past or present relations with a party or its representative.

d) A member may be challenged by either party if circumstances exist or arise, that give rise to justifiable doubt regarding the member's independence or impartiality. The outcome of a challenge shall be decided by the Director.

e) In the event of death, resignation or successful challenge of a member, a substitute member shall be selected by the Director.

f) In the event that the member fails to act, or in the event that the Director determines that a member of the disciplinary committee is *de jure* or *de facto* prevented from duly performing the functions of a member, the Director shall select a replacement.

FUNCTIONS OF THE DISCIPLINARY COMMITTEE

The functions of the Disciplinary committee include:

a) Conducting a thorough assessment of the complaint of sexual misconduct. The disciplinary committee will consider all the information provided by the complainant, the respondent and any witnesses. All information should ideally be by way of sworn statement but written notes, audio and video recordings, digital messages and other forms of acceptable evidence will be admissible.

b) Determining whether the respondent has conducted an act of sexual misconduct and the suitability of the Respondent to continue having any position or involvement within ISKCON.

c) Determining any requirements or restrictions as may be necessary or appropriate.

CONDUCTING THE DISCIPLINARY ENQUIRY

1. Within the general guidelines of providing a fair and impartial hearing, the Disciplinary committee may conduct the enquiry in such a manner as it shall deem appropriate. The members, assisted by the Case Manager (appointed by the Director) or the Director, shall be responsible for the organization and arrangements of the committee and when necessary, may avail the assistance of the Director, case manager, local GBC member and Temple President.

2. The Disciplinary committee will be presented with all information. Should it request additional information, the Case Manager or Director, will obtain and provide same, if possible and practical.

3. The PLM office may be used as a resource, for information regarding procedures, general information regarding sexual misconduct, or requests for additional information. The PLM Office will also monitor and facilitate the deliberations of the disciplinary committee with a view to conclude the matter as expeditiously as possible.

4. The enquiry may be handled in person, by e-mail, video conference, and/or telephone, or other means chosen, depending on the proximity of those involved and practical considerations.

5. The proceedings should be carried out in an expeditious manner, without undue delay, ideally, while respecting the integrity of the review, within 90 days from the disciplinary committee being appointed.

6. Some latitude is given in the presentation and evaluation of evidence, as deemed appropriate by the Disciplinary Committee. Different types of evidence include, but are not limited to, written testimonies, audio and video recordings, reports from local ISKCON authorities, interviews with the complainant and respondent, statements of witnesses, reports from civil and legal authorities, psychological assessments and input from reputable unbiased others regarding the matter.

7. Except as otherwise provided in these rules or permitted by the entire Disciplinary Committee, no party or anyone acting on its behalf shall have any *ex-parte* communication with the members with respect to any matter of substance relating to the proceeding.

DISCIPLINARY COMMITTEE'S DECISION AND RECOMMENDATION

After considering all the information and evidence, the Disciplinary Committee will come to a conclusion regarding the accountability of the Respondent.
A decision to find the Respondent responsible for the allegations must be a unanimous decision of the Panel.

STANDARD OF EVIDENCE AND REACHING A DECISION

1. Similar to many professional organizations and institutions' internal review procedures, a more relaxed standard of evidence is used than often found in criminal court procedures. Some leeway is given to the disciplinary committee, so that inappropriate behavior may not be shielded by an inordinate standard of proof. At the same time, the internal disciplinary process should be fair to all parties. Therefore, the disciplinary committee shall consider the preponderance (majority) of evidence in the case. "Majority of evidence" means that taken all together, the evidence weighs on one side of the question, and it is reasonable to conclude responsibility.

2. If a unanimous decision is reached that the respondent is not responsible for Leadership Sexual Abuse the case will be closed by the Director. If a unanimous decision cannot be reached, a second disciplinary committee, comprised of three different members will be convened for a new enquiry. If the second disciplinary committee cannot arrive at a unanimous decision, then the Director will close the case. If new complainants or new information comes forward in the future a new enquiry can be opened per these Guidelines[1] at the discretion of the Director.

3. The Decision of the Disciplinary Committee(s) shall be final and any restrictions and requirements determined by the Committee will begin immediately. There is a process of appeal and review outlined below.[2]

[1] Refer to section on Renew on page 22
[2] See Page 21

4. Restrictions and requirements may be set by the Disciplinary committee, in consultation with the Director, depending on the severity and frequency of the offense. Where serious sexual misconduct, (such as rape) and where multiple complainants have been admitted or established, the minimum sanction to be enforced will be a lifelong ban from holding any position of leadership within ISKCON. A range of restrictions, including time limitations, is possible, particularly with cases of less severe sexual misconduct and depending on the position of leadership held.

   For acts of sexual misconduct which are admitted or established, depending on the severity of sexual misconduct, a wide variety of discipline may be considered and implemented. Besides (i) restrictions on any future leadership positions, other restrictions and requirements may include some or all of the following: (ii) suspension from certain activities or services for stated time periods; (iii) expulsion from a particular ISKCON center, community, or communities; (iv) restriction from living in, or staying overnight , at an ISKCON center or ISKCON owned property; (iv) requirements for education or counseling leading to an assessment of trustworthiness; (v) where appropriate, adequate apology and or restitution to the victim(s); (vi) completion of a program designed to change the intrusive behavior; (vii) counseling with a therapist with the appropriate credentials and (viii) any other discipline, program, requirement or counseling which serves to protect the victim and community, discipline and correct the offender and prevent future intrusive behavior

5. As much as is reasonable, the Director shall endeavor to advise the Committee regarding restrictions and other disciplines so as to provide reasonably consistent restrictions and decisions regarding cases of similar severity and circumstances throughout the global ISKCON society.

6. In some rare instances, the Director may determine sometime later that changes of circumstances may justify reducing requirements or restrictions. This can be done only with the unanimous consent of the Director and the original Disciplinary Committee, ie. the Disciplinary Committee that produced the applicable decision. In the event that any of the original members are not available, the Director may appoint new Panel Members.

JURISDICTION AND SCOPE OF DISCIPLINARY COMMITTEE DECISIONS LIMITED TO ISKCON

Disciplinary Committees may set restrictions and requirements for an individual's relationship with ISKCON Centers. These restrictions constitute ecclesiastic discipline. The intention of restrictions is to protect those who surrender to the process of Krishna consciousness from any undue risk; limit the position of leadership within ISKCON to those whose character and behavior is consistent with its spiritual principles; prevent legal risk to the institution; show respect to the victims and assist them in their journey to heal; act as a deterrent to future potential offenders; and where possible, assist all parties in continuing their spiritual advancement.

WRITTEN DECISIONS

The Disciplinary Committee after arriving at its decision, will write an Official Decision on the case. The Director or Case Manager may assist in writing this document. The decision should be written in clear and simple language. Furthermore, the decision must review the allegations and evidence presented that indicates the Respondent has acted contrary to Krishna conscious principles and behavior of the standard expected of a leader. It shall thus present the findings of the committee, and clearly state any Restrictions, Requirements, and Recommendations it deems appropriate.

DISTRIBUTION OF DECISIONS

A Decision of a disciplinary committee and any restrictions shall be released at the discretion of the Director. All immediately concerned parties will be provided with the written decision, including the local ISKCON authority (Temple President), spiritual master (if any) and local GBC.

Notwithstanding the confidentiality policy[3] below, The PLM office will serve as the clearinghouse for all legitimate screening requests regarding disciplinary enquiry decisions, from authorized ISKCON centers. It is understood that ISKCON leaders and those in position of responsibility will need access to Disciplinary Committees' decisions on a regular and updated basis.

DECISIONS WHERE A PERSON HAS BEEN FOUND GUILTY OF SEXUAL OFFENSES IN A CRIMINAL COURT

Individuals involved with ISKCON who have been found guilty of sexual offences in criminal courts should be considered unsuitable for a position of leadership within ISKCON.
In these cases of clear finding of guilt by the secular legal process, it is not necessary to go through an ISKCON disciplinary process. Those who have been convicted, or found guilty, of sexual misconduct in legitimate criminal or civil court proceedings will be restricted in their relationship with ISKCON temples and projects in the following manner:

i. They cannot have any position of leadership within ISKCON or publicly represent ISKCON in any way.
ii. They cannot reside in temples or stay overnight.
iii. They cannot give class or lead kirtan in any ISKCON sponsored activity or event (which for the purposes of these guidelines and policies shall be considered acting in a leadership position).
iv. They cannot be present at a temple if their complainant(s) are also present (without the complainant's uncoerced consent).

[3] See page 19

The Director of the PLM office shall verify that they have been found guilty in a criminal court proceeding. Extenuating circumstances that would warrant either the relaxation of the above restrictions, or warrant more strict restrictions to the above standards would require review from the Director of the PLM office.

ADDITIONAL POLICIES AND PROCEDURES

1. CONFIDENTIALITY

All parties involved in all stages of the disciplinary process, must take the utmost care to ensure confidentiality and sign a non-disclosure agreement.

All parties involved in the Disciplinary process shall treat the disciplinary enquiry and any related information as confidential, unless otherwise required by law.

Whilst there are limited circumstances as described in the Distribution of Decisions paragraph above, information may be disclosed to a third party on "need to know" basis to those who have a genuine and official role in ISKCON and a legitimate reason for requesting information from the case file.

The PLM office will make all reasonable efforts to respect any request for anonymity by confirmed victims and witnesses within the ambits of a fair process. Where names have been redacted and / or withheld, it shall only be done on the basis that no malice has been established and the credibility of those seeking anonymity have been verified.

2. APPLICATION OF DECISIONS THROUGHOUT ISKCON

Requirements or restrictions determined by the Disciplinary Committee cannot be reduced by a local community, temple president, or local GBC. The decision of the committee constitutes the minimum restrictions that an ISKCON organization or community may place on a Respondent. An ISKCON entity such as a temple may choose to invoke more stringent restrictions. However, it is expected that all ISKCON entities will carefully consider these decisions of the Disciplinary Committee before imposing more stringent limitations, as the constraints prescribed therein are deemed to be sufficient.

3. STATUTE OF LIMITATIONS

There is no statute of limitations within ISKCON's Prevention of Leadership Misconduct system.

4. DOUBLE JEOPARDY

A complaint against a leader can be brought before a Disciplinary Committee only once, with the exception of a failure of a Disciplinary Committee to reach a unanimous decision, as explained above[4] or the requirements for an application to renew being complied with.[5] However, if new complainants come forward, the Director can open a new case and initiate a new disciplinary enquiry.

Conversely, if a person found responsible for unacceptable behavior by a Disciplinary Committee later (beyond the time frame for lodging an appeal) submits overwhelming evidence showing innocence, the Director may decide to reconvene the original Disciplinary Committee, or if that is not possible, to hold a second disciplinary enquiry with as many original members as possible, and that Disciplinary committee shall have the authority to overturn, re-affirm or modify the earlier decision.

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[4] See paragraph 2 Page 15

[5] See Page 22

APPEAL, REVIEW AND RENEW

Anyone found responsible for behavior contrary to Vaisnava principles, or a complainant of such alleged behavior who was not satisfied by the decision of a Disciplinary Committee may apply for an appeal, review, or renewal of that decision.

APPEAL

An appeal shall be based upon matters of fact or information allegedly overlooked or misapprehended by the original disciplinary committee. A petition for leave to appeal must show that the disciplinary committee overlooked or misapprehended the facts or lacked proper consideration of the evidence in relation to the allegations vis-à-vis the offense in a substantial way, and accordingly mistakenly arrived at its earlier decision.

Effectively, the Appellant would have to satisfy the test of whether another disciplinary committee evaluating the same evidence would have come to a different decision.

A petition for leave to appeal is not to be used as a means by which an unsuccessful party is permitted to argue again the same issues previously decided. Nor does it provide an unsuccessful party with a second opportunity to present new or different arguments from those originally asserted.

REVIEW

An application for a review is based on an allegation of procedural irregularity or impropriety by the disciplinary committee. Evidence to that effect would have to be tendered by the Applicant.

RENEW AND IT'S PROCEDURES

An application for leave to renew is based upon new facts not presented to the PLMO that would change the prior decision and must contain a reasonable justification for the failure to present such facts during the information gathering stage of the process.

The additional evidence offered on an application for leave to renew must be either newly discovered or have been unavailable to the applicant at the time of the filing of the complaint or in his/her response to the complaint.

The Director will consider the application and perform an initial screening to decide if there is indeed new and compelling additional evidence that might have resulted in a different outcome had this evidence been available to the original disciplinary committee.

Should the new evidence have no potential prospect of changing the outcome of the earlier decision, a denial letter will be issued and no further action will be permitted.

In the event that an application to renew is granted, the Complainant or the Respondent as the case may be will have an opportunity to respond to the new evidence. Thereafter, the original disciplinary committee which made the decision in the case will be reconvened. In the event that any of the original members are not available, then the Director of the PLM office may appoint replacement Panel Members.

The decision consequent to considering the new evidence will be final and binding and no further leave to appeal, review or renew will be allowed thereafter.

APPEAL AND REVIEW PROCEDURES

The following procedure will apply:

i) An application for an appeal or review must be made within 60 days of receipt of the decision.

ii) The devotee applying for an appeal (the Appellant) of the decision shall submit a written application to the Director containing his/her reasons, illustrating why s/he believes that the disciplinary committee erred in a matter of fact (e.g. misunderstood the facts) or rule (e.g. incorrect standard of proof was applied).

iii) The devotee applying for a review (the Applicant) of the decision shall submit a written application to the Director containing his/her reasons, illustrating why s/he believes that there was bias on the part of the disciplinary committee or procedural irregularity (eg. inadmissible evidence such as hearsay evidence was given paramount importance in reaching the decision).
Allegations of bias or procedural irregularities must be properly substantiated with supporting evidence.

iv) If the application appears to have potential merit, the case will be presented by the Director to the Appeal / Review Disciplinary Panel (A/RDP). The A/RDP will consist of three senior Appeal / Review Disciplinary Panel members, who have not served on the first Panel, and are selected by the Director.

v) The A/RDP will first make a decision on the merit of an appeal.

An appeal may be granted by the A/RDP only if:

(a) The members mis-applied themselves to the facts or the evidence;

In the case of a review:

(a) Procedures used in the original disciplinary proceedings prevented a fair and impartial hearing; or

(b) Bias has been shown to exist.

vi) If the A/RDP unanimously decides that there is sufficient reason to grant an appeal or review, they will review the case again, and write a new decision.

vii) All restrictions imposed by the original disciplinary committee remain in place during the appeal or review, unless the A/RDP, at their sole and unanimous discretion, reduce or set aside restrictions during the process of appeal and/or review.

viii) The proceedings of the Appeals/Review Disciplinary Panel will be conducted in a similar manner as the first hearing. Generally, the Panel will review all information from the first disciplinary enquiry, as well as any new arguments or evidence presented, and they shall allow a one-time response from the Appellant and the Appeal Respondent regarding the aspects that the Appellant has raised in his/ her grounds of appeal or review. The decision of the Appeal / Review Panel will be final. There is no further process of appeal or review.

FEEDBACK AND EVALUATION OF THE PLM OFFICE

In its efforts to serve ISKCON and its followers more effectively, the PLM office invites and will consider all feedback and concerns that it receives from ISKCON leaders and other participants who have used the services of the PLM office. Feedback must be made in writing and sent directly to the international PLM office director for consideration.

CONCLUSION

Nothing in ISKCON's policies or Guidelines with regard to the prevention of leadership misconduct, or in the functioning of the ISKCON's Prevention of Leadership Misconduct Office ("PLM office") shall be construed as approving any act, action, or conduct which is or has been or may be in violation of any existing laws nor shall it constitute a defense to any action, suit or proceeding prohibited by law.

APPENDIX A: GENERAL PRINCIPLES FOR ISKCON LEADERS

1. Actively practise and live by example the philosophy and teachings of ISKCON as presented by its Founder Acarya, His Divine Grace A.C. Bhaktivedanta Swami Prabhupada which include not associating inappropriately with another person in a manner which constitutes an act of sexual misconduct.

2. Respect the rights, dignity and worth of each person at all times; act with integrity and conduct relationships with others in a non-intrusive manner consistent with Vaisnava spiritual culture and ideals.

3. Abide by all GBC resolutions, particularly in respect of the standards of behavior expected of leaders.

4. Develop self-control and at all times remain honest in thought and deed.

5. Remain worthy of the trust of those who are under the care of the leader.

6. Promptly report any complaints or incidents of sexual misconduct or intrusive behavior to the PLM office.

7. Reach out supportively to all persons adversely affected by an incident of sexual misconduct and communicate sincere commitment to their spiritual, physical and emotional well-being.

8. Read, understand and comply with these Guidelines, including policies regarding confidentiality.

APPENDIX B: PREVENTATIVE AND RESPONSE PRINCIPLES

In the effort to deal properly with an offense, and more importantly to prevent sexual misconduct, all ISKCON centers will work to institute the following measures:

1. Employ appropriate screening and evaluative techniques (including criminal background checks and contacting references, where necessary) to assure the fitness of all ISKCON leaders, not limited to those engaged in preaching and/or pastoral activities, spiritual, institutional or human resource management, ministerial (including volunteers), mentors and teachers, as well as anyone serving in positions of trust and leadership.

2. Educate all those serving as leaders (in whatever capacity of trust and respect they hold) about expected standards of behavior.

3. Require every person engaged within ISKCON to read, comply with and support this Policy and Procedure Guidelines. This includes ISKCON leaders, clergy, personnel, employees and those volunteers who are given responsibilities that regularly involve contact with other persons.

4. Respond promptly to all allegations of sexual misconduct by informing complainants of their rights of recourse in terms of the local secular laws, where applicable and of the provisions of these Guidelines.

5. As indicated by circumstances, where appropriate, temporarily relieve from duty a Respondent until the matter is fully investigated as required by the Disciplinary Procedures.

6. Ensure compliance with any PLM disciplinary decision.

7. Reach out supportively to complainants, and to all other persons adversely affected by the incident and communicate our sincere commitment to their spiritual, physical and emotional well-being.

APPENDIX C: ROLE AND DUTIES OF THE ISKCON INTERNATIONAL PLM OFFICE AND (WHERE APPLICABLE) REGIONAL PLM OFFICES

Individuals who have been found responsible for child abuse or leadership sexual misconduct will not be allowed to serve as the International Director, Regional Director, Disciplinary Committee Member, Appeals/Review Disciplinary Panel member, PLM consultant or other staff position.

A. The PLM office will serve a number of functions:

1. To raise awareness and disseminate information about standards of behavior expected of ISKCON leaders as well as what is considered to be acts of sexual misconduct.

2. With the assistance of the ISKCON's Governing Body commissioners and local ISKCON authorities endeavor to establish regional/satellite PLM offices which will coordinate investigations into complaints of leadership sexual misconduct.

3. To train, coordinate and network with regional/satellite PLM offices, where such offices are established.

4. To organize seminars and training on prevention of and response to complaints of leadership sexual misconduct.

5. To guide and engage local PLM consultants, disciplinary committee members and appeal/review disciplinary panel members.

6. To keep all records and files for use in screening, etc., and share with appropriate ISKCON leaders, according to policies outlined in these Guidelines.

B. REQUIREMENTS FOR INTERNATIONAL DIRECTOR AND REGIONAL DIRECTORS:

Mature, objective, learns quickly, self-motivated, has good people skills, has integrity, empathetic, well organized, multi-tasker, computer literate, can delegate assignments, a good office manager, good communication skills, spiritually strong and balanced, understands and advocates for the high moral standards and character of leadership within ISKCON, knows the importance of preventing leadership misconduct and the impact of the violation of trust resulting from sexual misconduct by leaders. Has education and experience in the field of prevention of sexual misconduct and response, counseling, advocacy and/or law.

C. DUTIES OF INTERNATIONAL DIRECTOR:

1. Prepare and present training as well as reference materials appropriate for different audiences, such as GBCs, TPs, school staff, case managers, PLM consultants, disciplinary committee members and Appeal/Review disciplinary panel members.

2. Supervise and direct other PLM staff and volunteer members.

3. Counsel local consultants and regional offices as needed.

4. In consultation with local ISKCON authorities, guide in the appointment of PLM consultants and case managers to supervise consultants and the co-ordination of the disciplinary enquiry system for cases of alleged sexual misconduct, including selection of disciplinary committee members and A/RDP members.

5. At the request of local ISKCON authorities, co-ordinate the staffing of and training for investigation, disciplinary enquiry, appeal and review system.

6. Interface with ISKCON leadership; attend annual GBC meetings, etc.

D. FUNCTIONS OF REGIONAL OFFICES

1. In parts of the world where there is an Office, it shall under the leadership of the Regional Director perform all the above functions, as applicable, within that region, coordinating efforts with the International Director.

2. Complainants and respondents in an area covered by a Regional office shall work exclusively with that office and not the International office and the decisions of the Regional Directors in the consideration of the potential prospects of applications for renewals are final and binding.

REQUIREMENTS FOR PLM CONSULTANTS

Spiritually strong and balanced, understands and advocates for the high moral standards and character of leadership within ISKCON, knows the importance of preventing leadership misconduct and the impact of the violation of trust resulting from sexual misconduct by leaders. Has education and experience in the any of the following fields: prevention of sexual misconduct and response, investigating, counseling, psychology, advocacy and/or law or be willing to be trained to fulfill the role of PLM consultant as described in the Policy and Procedure Guidelines.

ALLEGATIONS AGAINST PLM STAFF

In the event of complaints of mishandling of a case by PLM consultants or PLM staff, the matter should be reported to the relevant regional PLM Director, where applicable or to the director of the international PLM office, who will conduct an inquiry, if s/he deems necessary. Where complaints pertain to the international PLM office Director, the issue should be presented to the GBC Executive Committee.

Allegations of sexual misconduct against PLM staff or consultants must be reported directly to the International PLM Director who will institute an investigation in the usual manner.

Allegations of sexual misconduct against the international PLM Office Director or a regional PLM office director will be referred the GBC Executive Committee.