Association for the Protection of Vaisnava Children
Official Decision on the Case of Vakresvara Pandit dasa
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This judgment, decided on July 26, 2002, was rendered in accordance with the guidelines for adjudicating cases of child abuse established by the ISKCON Child Protection Task Force Report, ratified by the ISKCON Governing Body Commission. This judgment is the official decision of the ISKCON Central Office of Child Protection (ICOCP), also known as the Association for the Protection of Vaisnava Children (APVC), on the case of allegations that Vakresvara Pandit dasa (Mr. James Kenner) had consensual sexual relations with an adolescent minor girl.

This decision defines the parameters of the relationship between Vakresvara Pandit dasa and ISKCON. The APVC advises child abuse victims, their parents, and all members of the ISKCON organization to report allegations of child maltreatment to governmental social service and law enforcement authorities. Also, the APVC advises all members of ISKCON to learn and follow their local laws regarding child abuse and mandated reporting of child abuse.

According to the ISKCON Child Protection Task Force Report, the criteria for determining validity of claims of child maltreatment is "preponderance of evidence", in contradistinction to the criteria of "beyond a reasonable doubt".

Vakresvara Pandit dasa is a black-bodied person who received initiation from Srila Prabhupada, and in the 1970s served in the New York yatra, and in recent years has served as temple president in ISKCON Puerto Rico.

Below are sections of the ISKCON Child Protection Task Force Report concerning definitions of child abuse that are relevant to this case.

"I. Child Maltreatment

A. Definition- A broad range of mistreatment of children including neglect, physical, abuse, sexual abuse, and psychological abuse.

1. Child- a child is defined as 0-18 years of age or whatever the legal definition for a child is in the particular country where the alleged maltreatment occurred.

B. Types of Child Maltreatment ..B.3. Sexual Abuse- An act of commission (perpetration) where a child is coerced, induced, persuaded, enticed,

seduced, or entrapped into sexual acts with another person. The coercion can be either physical or verbal. The other person could be either an adult, an adolescent (12-18 years of age), or even another child (less than 12 years of age). The abuser uses his/her position of authority or power (size, age, social position, cognitive differential) to exert control over the victim.
a) Forms of sexual abuse include:
(1) voyeurism ("Peeping Tom") (2) exhibitionism (flashing) (3) taking pornographic pictures of the child (4) having the child watch while the perpetrator masturbates (5) forced masturbation (6) kissing (7) fondling (8) digital/object penetration of vagina and/or anus (9) oral sex (10) sodomy (11) intercourse"
Evidence:
On December 4, 2000, The APVC received a handwritten complaint, about ten pages in length, dated November 21, 2000, from the claimant stating that when she was thirteen and till she was fourteen, Vrakresvara Pandita dasa and she had a sexual relationship. She admits that the alleged sexual relationship was consensual, but that because of her age at the time, she was not mature enough to have made a responsible decision to enter a sexual relationship with a forty year-old man.
The claimant wrote that when she was 13 years old the defendant asked her to meet him at a spot a few blocks away from the ISKCON Dallas temple. During that encounter, according to the claimant, the defendant asked her to kiss him, which she agreed to do. There were several further encounters, according to the claimant. The claimant wrote that over the course of nearly a year "we would meet and go to his friend [P]'s house. We did have sex around seven or eight times."

Through corroborating statements from others, an in-person, verbal interview with the claimant conducted by two of the panel members, and additional written statements from the claimant, the panel has found consistency with the claimant's original handwritten complaint.
"Corroborating statements from others" does not refer to witnesses to the alleged sexual activity, but rather to other details included in the claimant's written and verbal statements.
Also, the claimant's original written statement was analyzed by a

renowned expert in forensic written content analysis. Regarding the allegations by the claimant that there were sexual relations between her and the defendant, this expert wrote "This consistency in the language indicates that the statement comes from the subject's memory and thus the subject is truthful." In another section of the analysis the expert wrote "Generally speaking, this is a very strong assertion of truthfulness, which is very rarely found in deceptive people."
On December 5, 2000, the APVC sent to Vakresvara Pandit dasa a questionnaire related to the accusations of the claimant. His written responses to that questionnaire indicated, according to accepted standards of written content analysis as confirmed by the expert cited above, that he cannot be cleared of the allegations and that his responses are problematic, in the sense that they contain deception. For example, in response to one question, where the defendant responded "no", the expert in written content analysis wrote "Iwhen a person does not answer question 2 on the last page with 'yes' then it is definitely a very strong signal that the subject is 'problematic' or 'cannot be cleared.'"
The defendant, who denies the allegations, later sent in additional written statements, and two of the panel members personally interviewed the defendant. The panel found inconsistencies in the defendant's statements. For example, both Vakresvara Pandit and the claimant claimed that the two of them met with one of Vakresvara Pandit's clients at the client's home. Vakresvara Pandit claimed that the meeting occurred in the parking lot, and the claimant claimed that they met in the apartment. The claimant's knowledge about the inside of the client's apartment, much of which was independently verified by the defendant, indicates that the claimant is being truthful about her presence in the client's apartment. It was at this location where the alleged transgressions took place.

While the claimant's testimony seemed consistent and psychologically viable, several details of the defendant's statements appeared inconsistent. For example, Vakresvara Pandit claims that he helped the claimant's mother in various ways when she was getting a divorce. Thus, he became a familiar figure in the claimant's household during the time period in question, and in this way he came to know the claimant. The divorce,

however, occurred after the time period in question, and thus Vakresvara Pandit would not get to know the claimant during that time period through helping her mother with her divorce processes. Further, his claim that he bought life insurance for the claimant's family appears to be unverified. Another way that the accused claimed he got to know the client during the time period in question was by driving her home from high school, which was on his route for his job as an insurance salesman. He said that he did this for some of the devotee children on occasion. However, for the majority of the time period in question the claimant was in middle school. The claimant and her mother deny that Vakresvara Pandit ever did drive her home from school. Vakresvara Pandit's general description of his relationship with the claimant appeared inconsistent. For instance, he claimed "I barely knew her", and also described that he had a relationship with her such that she would call him on his pager and talk about her friend's comments about her, and her alleged sexual escapes with other men. As described above, Vakresvara Pandit dasa's descriptions of the ways in which the claimant and he would have developed such a relationship are not consistent with facts, and his descriptions of how close the relationship was or wasn't are also internally conflicting.

Based on the evidence described above, this panel has determined that the allegations of the claimant, that Vakresvara Pandit dasa did engage on several occasions in sexual activity with her when she was an adolescent of minor age, are true.

In determining a rectification plan, the panel considered that this was not a case of pedophilia, but rather a case of immoral sexual behavior with a minor. While not minimizing the severity of the transgressions against the claimant, the panel also considered the consensual nature of the sexual activity, and thus the rectification plan is less severe than if physical force had been used. The panel consulted the California State Penal Codes (261.5(d), 288(a), 288(c), 288.5(a-c)) to provide a context for the rectification plan. The State of California takes into consideration the age of the victim, the age of the defendant, the age difference between the two, and the number of occurrences that transpired. There are three categories for victims, determined by age: under 14, 14-15, and 16-18. "Under 14" is considered a case of molestation, regardless of whether or not there was consent.

Based on the conclusions described above, this panel has decided as follows.

1) Vakresvara Pandit dasa must write an apology letter to the claimant. In this letter he must fully acknowledge his transgressions against her, take complete responsibility for them, and sincerely offer to rectify himself and make amends in whatever way he can. This letter should be sent to the APVC, not directly to the claimant.

2) Vakresvara Pandit dasa must pay restitution to the claimant in the amount of at least $3,000 during the next three years, with at least $1,000 paid within one year from the date of this official decision.

If Vakresvara Pandit dasa does not comply with items 1 and 2, then he is completely banned from all ISKCON and ISKCON-related organizations. This ban will include a restriction from entering the property of ISKCON and ISKCON-related organizations, and from attending the events of ISKCON and ISKCON-related organizations. If Vakresvara Pandit demonstrates that he is in compliance with items 1 and 2, then he may visit ISKCON temples and participate in ISKCON activities in accord with the following restrictions:

3) Vakresvara Pandit dasa must show this document to the Temple President of any temple he visits, or the manager of any ISKCON project he visits, and obtain a signed statement that the president or manager has read this decision. Vakresvara Pandit shall send the signed copy of the decision to the ICOCP. If Vakresvara Pandit only visits a temple once or twice during public functions, such as Sunday Feasts, then he does not need to obtain a signed statement from the temple president or manager. If he visits a temple more than two times within a period of three months, then he must obtain such a signed statement.

4) Vakresvara Pandit dasa must not assume any leadership positions in ISKCON. This includes a prohibition from leading kirtana and giving class on ISKCON property or at an ISKCON function.

5) Vakresvara Pandit dasa must not assume any position of influence that is connected with ISKCON. This stipulation also includes a prohibition from representing ISKCON.

6) Vakresvara Pandit dasa must not reside or stay overnight on an ISKCON

property, though he may attend temple functions, such as Mangala-arati, Srimad-Bhagavatam Class, Sunday Feasts, Ratha yatras and other festivals, within the parameters described in this Official Decision.
7) Vakresvara Pandit dasa must not have ISKCON service, or service with an organization affiliated with ISKCON, that involves connection with adolescent girls, other than his biological children.
8) If the victim of Vakresvara Pandit dasa attends a function at an ISKCON temple where Vakresvara Pandit is present, then Vakresvara Pandit must leave the premises, unless the victim gives uncoerced permission for Vakresvara Pandit to remain.
9) Vakresvara Pandit must not be shown any special privilege or preference at an ISKCON temple or in an ISKCON project, or in a project or organization affiliated with ISKCON.
10) Vakresvara Pandit should not be alone on ISKCON property with adolescent girls who are not his biological children.
If Vakresvara Pandit dasa violates any of the above conditions, then he is prohibited from any connection with ISKCON or ISKCON-affiliated organizations until his case is reviewed by the APVC.
If, based on credible evidence that the ICOCP deems to be valid, it is later determined that Vakresvara Pandit dasa sexually misconducted himself towards minors other than the claimant who is described in this Official Decision, then Vakresvara Pandit dasa will be completely banned from all connection with ISKCON and ISKCON-affiliated organizations for 15 years from the date that the APVC determines the new allegations to be valid. After the period of this 15 year ban, Vakresvara Pandit dasa may apply to the APVC for reinstatement to the ISKCON society. If Vakresvara Pandit dasa admits, before October 1, 2002, to the existence of additional minors towards whom he sexually misconducted himself, then this 15 year ban will not be applied. If Vakresvara Pandit reveals the existence of additional victims, the APVC will ask that he genuinely apologizes to those victims, and that he pays monetary restitution to them in an amount to be negotiated between Vakresvara Pandit dasa and the APVC.
Vakresvara Pandit dasa has been steadily dedicated to Srila Prabhupada's ISKCON for many years. This panel humbly requests him to continue in that mood by abiding by this Official Decision and continuing to perform valuable devotional service within Srila Prabhupada's movement.

If Vakresvara Pandit dasa fully complies with all the items described above, then as of five years from the date of this Official Decision he may apply to the APVC for restrictions 3-6 and 10 to be lifted. If Vakresvara Pandit demonstrates compliance with items 1 and 2 within one month of the date of this Official Decision, then the APVC will refrain from widely publicizing this document amongst ISKCON leadership, as is the standard with most official decisions of this office. This panel humbly requests ISKCON spiritual and managerial authorities to fully encourage Vakresvara Pandit dasa to rectify himself by complying with this decision.
Full documentation of the case is on file with the APVC.
The panel wishes to clarify that this is not a case of pedophilia, but rather a case of immoral sexual behavior with a minor.
These judgments constitute the minimum restrictions that an ISKCON organization may place on Vakresvara Pandit dasa . Any specific ISKCON organization may choose to invoke more stringent restrictions.
While this Official Decision has delineated various constraints and conditions, the panel members realize that engagement in devotional service to Sri Krsna is essential for purification. Though it is not the function of this panel to determine or suggest the type of devotional service that Vakresvara Pandit dasa should perform, we want to mention that, within the restrictions described herein, there are countless ways in which Vakresvara Pandit dasa may serve Srila Prabhupada's mission, and we encourage him to do so. Also, we wish to state that the directives described in this document, such as writing apology letters and donating for the betterment of the children of Srila Prabhupada's movement, are also forms of bhakti-yoga.
According to the ISKCON Child Protection Task Force Report, Section 5, in cases where an allegation(s) of child abuse are determined to be valid, the accused may appeal the Official Decision to the GBC Executive Committee and the ISKCON Minister of Justice within one month of the date of this decision. The Official Decision described in this document is effective immediately, and the perpetrator must abide by its guidelines during the appeal process, should he choose to appeal this decision.
The panel members who served on this case and determined whether the

allegations were valid were Kaisori dasi, Praghos dasa, and Jayasacisuta dasa. Joining this panel to assist in formulating the rectification plan was Dhira Govinda dasa, who was the case manager for the case and the director of the APVC at the time of this Official Decision.
[Signatures]