Appendices

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Appendix A

Description: 1993 Satya Interview, *pg. 4 and 7*

[The following four pages are the 1993 interview with the victim (Satya) by Yasoda Devi Dasi, (then) a disciple of Bir Krishna Goswami, a licensed clinical social worker. This interview represents the victim's testimony.]

INTERVIEWS WITH GIRL AND GIRL'S MOTHER

These interviews were conducted on June 3rd, 1993 in the house of a 14-year-old girl and her mother. the interviews concern events that allegedly took place between an ISKCON sannyasi and the girl when she was 11 years old. The interviewer is a senior ISKCON devotee who has known the girl and her family for may years.

INTERVIEW WITH GIRL

Interviewer (Q}: Do you want to introduce yourself? Just use your first name, that's find.

Girl **(A): My** name is [girl's name].

Q: And where do you live?

A: I live in [place name].

Q: How old are you?

A: I'll be fifteen in a month.

Q: When was this incident that you're going to talk to us about?

A: This incident occurred about three years ago when I was eleven years old.

Q: Do you remember the time of the year?

A: It was April. My sping vacation time.

Q: Your spring vacation from school?

A: Right.

Q: As far as I understand, this was something that Maharaja was a guest in your family's home?

A: Yes, he was a guest for seven days, a week, my whole spring vacation.

Q: Your whole vacation. Do you want to tell me a little bit about what happened?

A: Okay, well he had called me in my living room to read the Srimad Bhagavatam, and I...

Q: Called you from, like where were you before he called yoo?

A: I was in the kitchen with my mother, and so he said, "[Girl's name], come over here. You read the Srimad Bhagavatam to me." And he was patting the sofa, you know, meaning, •come here and sit next to me." So, you know, I really didn't think anything of it so I sat next to him and I read fro about ten minutes, and then all of a sudden he put his hand on my private area and, I guess, I don't know....

Q: He just put it there when you were reading.

A: Yes, he put it there when I was reading and I did't know what he was doing. I was really, like, shocked, and then, you know, I started getting scared, you know, thing what might he do. And....

Q: Did you call to anyone or say anything or...

A: No, because I was scared, you, J didn't know what to do. So I finally, you know, said, I can hold this myself. And he just....

Q: What do you mean hold, hold what?

A: Hold the Srimad Bhagavatam by myself. I didn't need him to hold it for me and put his hand in my private area to support the book.

0: Oh I see, that was how he....

A: Had done it.

Q: He put his hand to suppart the book, you mean?

A: Yes. Supposedly, but, you know, I could feel his hand, you know, on my private area and I just felt....

Q: It just rested there, as if he was holding the book, or was he actually doing something, or...

A:. It just stayed there, but, you know, still, it shouldn't have been done.

Q: Okay. I was just asking to be clear. I'm sorry, I didn't mean to be too pushy about it. Okay, so then what happened? You were scared.

A:. So I finaJly got the courage to say, "I can hold this myself." And he just smiled and he said, "Yes, okay, read, keep reading." And I was so scared, and you know, finally, about a half and hour later, I guess, I don't know how it ended. I guess he let me go, or I don't know, but I fe-lt very disgusted and terrible. I can't describe the feeling, it's just like I flet very dirty and I told my mother, I was crying to her, and she didn't thing anything of it. She just like, oh yeah, okay, because, you know, I was only a little kid. And....

Q: What was everbody else doing during that half an hour?

A: My mother was in the kitchen and everbody else had - no one else was home. And his servant. hls disciple, was upstairs, I don't know - reading or I don't know what he was doing. But his disciple had been reading prior to that and I guess he asked his disciple to, you know, go do something, so meanwhile he asked me to come over and read to him, and that's when this incident occurred.

Q: Now when you say the living room, was that - we're in your home now - is this the room where it happened?

A:. Yes, this is the room where it happened and...

Q: So no one could see what was going on here7

A: No. The kitchen is back, you know, where my mother was. She was the only one. And upstairs was his disciple, so it was just me and him in the room.

Q: Okay, so I guess tht's pretty much all that occurred. But you said that you felt bad afterwards, really dirty, so you really felt that it was not....

A: It wasn't right

Q: Right. And when you told him that you could hold the book yourself, did you feel that he understood that you wanted him to move his hand, or•...

A: I think he understood, but he just, you know, forcefully had his hand there. You know, first of all, he shouldn't have had his..•.he shouldn't have told me to sit next to him. But I was, you know, I really didn't think anything of It. And second of all, you know, he should have kept his hands to himself.

Q: Okay.

A: Oh yeah, and aJso, another time, I remember, he taught me how to play Hare Krsna on the harmonium and he•..

Q: Was this at the same visit?

A:. Yeah, the same visit. And, you know, after I finished, you know, he'd be like, "'very good?" and he'd like, you know, rub my leg. He'd be like, "'Oh yes, very good!" and I really didn't think anything of it, but you know, I thought that If he could do something, you know, as he did in the living room, he...

Q: So the harmonium lesson happened after the ...

A:. No, this was, it happened a couple of times before, you know••.I guess every time, in the mornings when we had bhajans, you know, morning arati. My mom would be gone and you know, he did it even in front of his disciple, but his disciple never said anything.

Q: So you were eleven, so he would just say, was he the one that said, "would you like a lesson?" or would he ask you to come sit by him or something?

A:. Yes, he would ask me to come sit by him, and he's like, "'Do you want to team how to play Hare Krsna," and I would go, like, "Yeah, it's okay." And then I'd go and after I was finished playing it he would do like, "Oh yes, very good" and rub my leg.

Q: How did it finally happen now, this was three years ago, that this experience and everything is just being told about now, in a sense. Did your mother finally, you said you told your mother, did she tell someone else?

A:. Yes, she had told my older sister, who hadn't really thought anything of it. But my mom didn't think anything of it but she just told my sister. She didn't want to tell my father because my father, you know, very angry. And so my sister didn't thing anything of it until she want to India and I guess she heard, I don't know what, but I guess she heard some incidences and she sort of put the pieces together and, so I don't know.

Q: Had you heard any incidences of things like this happening before or something?

A: No. I thought I was the only one.

Q: You thought you were the only one. Okay. Well, maybe you are. Okay, well thank you very much, fgirl's name].

A:. Haribol.

Q: Haribol.

INTERVIEW WITH GIRL'S MOTHER

Q: Hello. Hare Krsna. I'm also going to conduct a short interview with [the girl's] mother, because she also has some comments about the incident. Go ahead, Prabhu.

Mother (A): Haribol, Prabhu. See, Maharaja come our house three years back..•

Q: X Maharaja?

A: X Maharaja. And we really respect him. One week he stay with us and when my daughter tell to me, after I hear that one I feel so bad if Maharaja did like that with little child. I...

Q: What did she tell you happened?

A: She tell me, "Mommy, I don't want to read with Maharaja Bhagavad-gita because he is touching my secret part. He is keeping his hand is there and I feel really bad." So I said, "No, I don't think you telling truth." She said, "No, I'm not going. If you tell me to go read with him I'm not going." And she crying and she tell me,"I feel so bad." Maharaja, I had the respect for him, and since I heard from her I lose my respect to him.

Q: Did you ever have any experience that made you feel personally any difficulty with him or was it just what you heard from your daughter? I mean, was there anything that happened that made you directly suspicious of him or anything, or was this just that you heard this from your daughter? So.•.

A: I don't have any bad, you know, experience from him, but I heard from my daughter, I felt really surprised. I don't believe Maharaja supposed to act with child like that.

Q: Could it be possible that your child was not understanding it properly? I mean, she was eleven years old. But you believed her when she told you what happened?

A: Oh, I asked her several way, and she gave me the same answer. So I had to believe her. I got really mad, Prabhu. I got very mad on Maharaja, because, you.know...

Q: Did you say anything to Maharaja?

A: I don't say anything to Maharaja. And you know, I really feel so bad. Maharaja [is in] my home after he did like this, like two, three days maybe, and I really don't respect him that well. Haribol.

Q: So you were saying how, you were telling me just now how you felt that Maharaja knew that you knew something. How was this -you were saying that you respected him, but then you didn't. You mean you actually acted differently around him after your daughter told you this? I mean, you were less respectful or something, or...

A: I think by my face, because my face is really mad. You know, sometimes you really happy, you respect differently. When I heard from my daughter I feel really mad, very very ..... [this portion is smugded and unreadable. However it appears as though she is saying that she didn't say anything to MaharajaJ Maharaja, but I feel very bad.

Q: So you think that by your action and [smudged] your face that he understood that you were angry with him?

A: I think somehow Maharaja understand I know what he did.

Q: What did Maharaja do or say that made you think he knew or understood that you were upset with him? Was there anything that you could explain or is it just a feeling, or is there something specific?

A:. Just I feel like that. He don't tell anything.

Q: He didn't say anthing.

A:. But I feel myself he can, I think he is enough intelligent to understand what he did.

Q: And there was something about the way he was behaving that you believed he understood something.

A: I think he understand...

Q: But he never said anything.

A: No, he never said anything.

Q: And you never anything to him.

A: No, I never said to him. You see, I thought Maharaja is come my home and guest come my home, I cannot unrespect anybody. Still, I thought he is my guest. What he did, that Krsna is seeing.

Q: Okay, well thank you.

INTERVIEW WITH GIRL

Q: Okay, [girl's name), it just came up, like your sister just came and told me that she's afraid there was another incident that you forgot to talk about. Is that true? I mean, she didn't put you up to it or anything, did she? You just forgot?

Girl (A): I just didn't, I guess I forgot, but what happened was in this incident, was

Q: Is this the same time, that same week that he was visiting?

A:. Same week. And he was chanting in his room, walking back and forth, and the room I was in was straight across from the hall there, directly across. And I guess he saw me, and I only had like a long shirt on as a nightgown and he had seen me. And I was hiding in the closet so he wouldn't see me, you know, out of shame I guess, because I hadn't taken my shower. So he came in my room and he came in the closet and he pulled me out and he hit me on the butt, you know, and he said, "Go and take your shower." That's, you know.

Q: How did he know that you needed a shower.

A: Well, because I had my nightgown, you know. Usually people look when they get up*** morning.

Q: Right, right. Okay. So that was all. Your sister just wanted you to mention that.

A: Yeah.

Q: Okay, thank you very much [girl's name]

A: Haribol

Q: Hare Krsna.

Appendix B

Description: 2010 Satya Post, *pg. 4 and 11*

Hari bol,

I am the girl that Lokanatha touched inappropriately. It did NOT just happen one time in the living room, on the sofa, but rather throughout the week that he stayed he touched me various times inappropriately. I am surprised now (at age 32) that that NASTY, VILE PEDOPHILE did not try to rape me.

He took my innocent father's words of "she is growing up here in America, why don't you teach her some more Indian culture" and turned into his way of taking advantage of me. He called me various times through out that week (it was Easter vacation so I had off), and it was hot, so I was wearing shorts. I was 11 and 1/2 years of age. I sat down next to him after he insisted many times, and he decided he would teach me how to play the harmonium. He several times, rubbed his hand up and down my leg, inner leg, and out, as I was seated there next to him and the harmonium. I asked him "what are you doing?" to which he replied "nothing, just concentrate on the harmonium." I cannot TELL YOU HOW HORRIFIED AND DIRTY I FELT inside.

Through out the days, he then once woke me up singing "jeeva jago, nidra chadi uttha jeeva" and when I got up (I was wearing shorts), he patted me on my butt. I ran into my mother's room, and into her walk in closet and hid, and he came in after me. He pulled me out, saying "why are you hiding" and again touched me on my butt, held my hands and put his arms around me.

butt, held my hands and put his arms around me.
Again he called me for harmonium lessons, and then when he touched me inappropriateley AGAIN on my leg, I got up and ran into the kitchen and went to my mother who was cooking prasadam for this ASS. I went to my friend Sangeeta's home later that day to play, and I told her he disgusts me, I don't like him, and I don't like the way he touches me. He makes me feel so dirty. She didn't know how to react, at age 8, but she said just tell your mother.
The next day, he called me in the living room, and asked me to bring the Krsna book and read it to him. He had me sit RIGHT NEXT TO HIM, leaving no space between us. He PLACED HIS HANDS ON MY CROTCH, NOT ON MY LAP, and said I am keeping the book from touching you there, so just keep reading. He kept his hand there, and any time my mother would walk by the room,he would QUICKLY REMOVE HIS HAND AND PLACE IT ABOVE MY HEAD (around me). He did this several times throughout the course of an hour, and after that sick feeling inside me became the most prominent thing for me, I told him I was tired, and I left the room.
The day after that, some of his bogus followers were there at our house, and when I came inside from playing with my friend (having a dirty feeling inside me the whole time), the ASS had a nerve to call me several times to sit next to HIM in front of everybody. I told him NO!, and ran away.

NO!, and ran away.
Thank GOODNESS the nasty pedophile left the day after, and when my dad suggested I touch his most UNHOLY DISGUSTING FEET I SAID NO! I will not. I told my mother about everything the night before, and she was shocked, disgusted and appaulled at everything.
What could a defenseless 11 year old child do? Just say no, and tell her mother. There was no legal actions that I knew of at the time that I could take. If I had known how to kick that ASS in his groins to teach him a good lesson, I would have. But I didn't know at the time what to do.
Yes, that silly investigation happened **by Yashoda** and she just followed me around the house, asking me where this and that happened, and how this and that happened. We WERE PROMISED THAT LOKANATHA would be punished. He was NOT.
His stupid misled followers still blindly followed him, and accused me of lying.
I will never forget what I have been through.. Till this day, **Ravindra Swarupa**, the head of our nearest temple, acts like nothing happened, and was nonchallant about the whole thing. **He has always had a cold, DISRESPECTFUL approach towards our family**. We trusted him, and he nor the GBC (*garbage committee*) never followed through. BUT THAT IS OK, THE LAW OF KARMA AND LORD SHRI KRISHNA WILL. **That is who THEY will have to answer to ultimately**.

PLEASE POST THIS TO YOUR WEBSITE. I have remained quiet long enough. I will not be quiet any longer.

Thank you,
Satya

Appendix C

Description: 1993 Lokanatha Swami Testimony, *pg. 4*

Ravindra's version:

"However, the incident that most distressed the girl took place one morning in the living-room. The two sat close together on a couch reading from a volume of the Krsna book, with Lokanath Swami's servant going in and out of the room and the girl's mother cooking in the adjoining kitchen. As they sat reading together, Lokanath Swami's hand touched and moved across the girl's upper thigh over her clothing."

Bnd:

As they sat together reading, Lokanath Swami was holding the book in his hand. He then rested the book and his hand on the girl's upper thigh and then her private area. (Don't mention "over her clothing"?)

Lokanath M's version:

"For some time in the beginning, there was nothing else, just Krsna Book reading. Then my hand lowered, partly because of the weight of the heavy hardbound early edition Krsna Book. My hand landed on her thigh, and it very gently moved across her thigh a few times. This is where my hand spent most of the time. Then, it moved towards the upper thigh, including the private area. My hand was there for not more than a couple of minutes, once or twice.

"The hand withdrawl took place as the girl interupted her reading and looked at me a few times. This is when the feelings of shame and guilt emerged in me. I tried to ovecome the attack, by fighting it back with my spiritual strength and prayers.

"It is important to note that I succeeded on my own. The girl never touched or pushed my hand aside. When things were already normalizing, my servant came and sat close to us, listening to the Krsna Book reading. Then at some point, she stopped reading and got up and left. The servant noticed that she looked a bit disturbed.

Girl's version:

A: I was in the kitchen with my mother, and so he said, "[Girl's name], come over here. You read the Srimad Bhagavatam to me." And he was patting the sofa, you know, meaning, "come here and sit next to me." So, you know, I really didn't think anything of it so I sat next to him and I read for about ten minutes, and then all of a sudden he put his hand on my private area, and, I guess, I don't know...

Q: He just just put it there when you were reading.

A: Yes, he put it there when I was reading and I didn't know what he was doing. I was really, like, shocked, and then, you know, I started getting scared, you know, thinking what might he do. And ...

Q: Did you call to anyone or say anything or...

A: No, because I was scared, you know, I didn't know what to do. So I finally, you know, said, I can hold this myself. And he just..

Q: What do you mean hold, hold what?

A: Hold the Srimad Bhagavatam by myself. I didn't need him to hold it for me and put his hand on my private area to support the book.

Q: Oh I see, that was how he...

A: Had done it..

Q: He put his hand to support the book, you mean?

A: Yes. Supposedly, but, you know, I could feel his hand, you know, on my private area and I just felt...

Q: It just rested there, as if he was holding the book, or was he actually doing something, or...

A: It just stayed there, but, you know, still, it shouldn't have been done.

Q: Okay. I was just asking to be clear. I'm sorry, I didn't mean to be too pushy about it. Okay, so then what happened? You were scared.

A: So I finally got the courage to say, "I can hold this myself." And he just smiled and he said, "Yes, okay, read, keep reading." And I was so scared, and you know, finally, about a half an hour later, I guess, I don't know how it ended. I guess he let me go, or I don't know, but I felt very disgusted and terrible. I can't describe the feeling, it's just like I felt very dirty and I told my mother, I was crying to her, and she didn't think anything of it. She just like oh yeah, okay, because, you know, I was only a little kid. And ...

Mother's version:

Q: What did she tell you happened?

A: She tell me, "Mommy, I don't want to read with Maharaja Bhagavad-gita because he is touching my secret part. He is keeping his hand is there and I feel really bad." So I said, "No, I don't think you telling truth." She said, "No, I'm not going. If you tell me to go read with him I'm not going." And she crying and she tell me, "I feel so bad." Maharaja, I had the respect for him, and since I heard from her I lose my respect to him.

Appendix D

Description: Lokanatha Swami's Original Letter, *pg. 4*

Dear Devotees,

Please accept my humble obeisances. All glories to Srila Prabhupada.

With this letter I would like to bring the following matter to your attention.

In 1990 I was in the United States, staying at the house of a devotee family of Indian origin, when some incidents took place between me and their eleven and a half year old daughter Satya, which made her feel abused by me.

While I was leading the Worldwide Padayatra program, I had suffered a broken leg. While recovering with my right leg in a plaster, I stayed for about a week with the devotee family. During this stay the father frequently insisted that I give spiritual instructions to his children, and try to discipline them, especially to Satya, who was his youngest daughter. The incidents occurred in the course of my interactions with her.

I sometimes sat uncomfortably close to her, for example when I was teaching her to play harmonium. Sometimes, when she was playing harmonium, I would pat her and say, "Very good."

I was especially requested by the father to get Satya up on time. One morning I noticed she was late rising, and while chanting in my room I saw her in the room directly opposite mine. In spite of the late hour, she was still wearing the long T-shirt that she used as a nightgown, and she was upset that I saw her dressed in that way. When I told her to go to take her shower, she ran into her room to hide from me. I made her come out, and as she ran past me, I said, "Go and take your shower!" and slapped her with my hand.

The incident that most distressed Satya took place one morning in the living-room. We sat close together on a couch reading from the Krishna book. My servant was going in and out of the room and Satya's mother was cooking in the adjoining kitchen. As we sat reading together, my hand touched and moved across Satya's upper thigh over her clothing.

I had been brought up in a way that kept me entirely innocent of the experience of sexuality. When I found myself put into close association with Satya, some feelings unexpectedly arose, but this experience was new to me and I did not know exactly how to acknowledge them or cope with them. I yielded, momentarily, to impulse, and acted in an inappropriate manner.

However certain circumstances conspired to disassociate myself from my usual sense and my normal behavior and made me unusually vulnerable. First my leg was broken, a serious disability for me, as my main service and objective was Padayatra, always walking on the road. Second, my immobility confined me

for a prolonged period to an unfamiliar domestic atmosphere, full with family interactions and emotions. Third, the strong desire of the father to administer discipline and instruction to Satya also drove me into closer association with a female than I would ordinarily venture.

My transgressions were not consciously planned. They were accidental mistakes for me in very unusual circumstances. I realize that had I kept strictly to the proper social conduct for a sannyasi, I would have been protected and would not have become victim of this situation. I sincerely regret these incidents.

In 1993 Satya lodged a complaint about these incidents. A committee of seven GBC members was appointed to deal with this case. I was immediately suspended from initiating further disciples and my movements were restricted. The GBC directed me to a group of mental health professionals, specializing in child molestation.

The evaluation was conducted over several days and consisted of multiple clinical interviews, complete mental status, psychosocial and psychosexual histories and various other tests.

Some of the main conclusions of the professionals were that:
- I was not a pedophile.
- Although the girl was young, she had begun the transition to womanhood, and I did not sexually relate to her presence as that of a child.

- I do not pose a danger of overt sexual violence toward women and children.

- The incidents happened in an unusual sequence of circumstances. They arose fortuitously, and with a minimum of precautions, and such situations should be easy to avoid in the future.

- Given the unique conditions that prompted the episodes, and given the fact that there is no reason to expect such episodes to occur again, I should remain in my role as a religious leader.

- I had acted in a clearly inappropriate manner towards Satya and that she may have undergone a disturbing and traumatic experience common to victims of sexual abuse.

Satya was first interviewed by a female devotee whom she knew and trusted, and then by a professional female devotee specialized in child molestation.

After undertaking complete investigation, the GBC committee recognized my accidental mistake and decided after much discussion that I could continue in my role as a sannyasi and acting as an initiating guru, starting Gaura

Purnima 1996. To atone for this offense the GBC committee further stipulated that:

- I would spend at least two months in Vrindavan in a mood of repentance, praying to Srila Prabhupada and Lord Sri Krishna for forgiveness, which I did.

-I would seek forgiveness from Satya. I did this first in writing and later in person, offering obeisances to her in the presence of her brother.

In 1997 my leading disciples were also informed of the incidents and, in consultation with the GBC, guidelines were established for informing prospective disciples about them and their resolution. These guidelines were applied according to time, place and circumstances.

There is an Information Release paper from the GBC with some more detailed account of the incidents and how the GBC handled it. For more background information devotees may read that paper.

I sincerely regret these incidents still and very much repent for them. I again offer my apology and hope that especially Satya and others as well will forgive these mistakes of mine.

Always praying for the mercy of the Vaisnavas.

Your servant,
Lokanath Swami

Appendix E

Description: Revised Lokanatha Swami Letter #1, *pg. 4*

Dear Bhakti Caitanya Maharaja,

Please accept my humble obeisances. All glories to Srila Prabhupada.

I have included your suggestions and have made some adjustments. All the changes are in yellow. I have numbered your comments in green.

Your servant,
Lokanath Swami

Please note: The comments from our group of GBC members are all in red. Unless otherwise stated they refer to what you have written above the comment Please read them and get back to us about them.

(General comment about the whole letter) It really reads as if Lokanatha Maharaja is a distant sage speaking with alot of mercy of someone who accidentally felt down. The narration of the event seems to have been changed as well.

Dear Devotees,

Please accept my humble obeisances. All glories to Srila Prabhupada.

With this letter I would like to bring the following matter to your attention.

In 1990 I was in the United States, staying at the house of a devotee family of Indian origin, when some incidents took place between me and their eleven and a half year old daughter Satya, which made her feel abused by me.

He did touch her inappropriately, with not the best of intent, by his own admission. So she did not "*feel abused*" by him. Something inappropriate actually *did* happen to her. People are going to read this as him pushing blame onto the victim. I realize the wording is delicate but the above is only going to make him sound insincere and throw fuel onto the fire.

The last part of the sentence "which made her feel abused by me" could be changed to " which she was abused by me."
Or something like that. Or is there some other way to say the same thing?

The following can be added:
I sincerely apologize for this inappropriate behavior of mine, by which she has undergone a disturbing experience.

1. I would suggest: "in which she was abused by me."

While I was leading the Worldwide Padayatra program, I had suffered a broken leg. While recovering with my right leg in a plaster, I stayed for about a week with the devotee family. During this stay the father frequently insisted that I give spiritual instructions to his children, and try to discipline them, especially to Satya, who was his youngest daughter. The incidents occurred in the course of my interactions with her.

I sometimes sat uncomfortably close to her, for example when I was teaching her to play harmonium. Sometimes, when she was playing harmonium, I would pat her and say, "Very good."

I was especially requested by the father to get Satya up on time. One morning I noticed she was late rising, and while chanting in my room I saw her in the room directly opposite mine. In spite of the late hour, she was still wearing the long T-shirt that she used as a nightgown, and she was upset that I saw her dressed in that way. When I told her to go to take her shower, she ran into her room to hide from me. I made her come out, and as she ran past me, I said, "Go and take your shower!" and slapped her with my hand.

But he does not say where he slapped her with his hand. The fact is that the place of contact was her rear end. Saying less sounds disingenuous or like a cover-up.

In the last sentence it could be added: " her rear end". Is this good enough or is there some other way to express this?

2. I would suggest "on her rear end".

The incident that most distressed Satya took place one morning in the living-room. We sat close together on a couch reading from the Krishna book. My servant was going in and out of the room and Satya's mother was cooking in the adjoining kitchen. As we sat reading together, my hand touched and moved across Satya's upper thigh over her clothing.

It was not just her "upper thigh". It was her groin. This is the most painful, embarrassing, and damning thing for him to say but he has to for the reasons stated above (it will sound disingenuous, like a cover-up). Maybe the following train of logic will help Lokanath Maharaja swallow this bitter pill.

He (along with all of us) wants to put this sad chapter behind us. But if he says something less than the truth, that will eventually come out and the situation will flare up to haunt him once again. He will look like a liar. That is what is happening now. Because he did not follow the GBC's direction, because he did not honestly and fully instruct aspiring disciples, we are all now in the mess again. If he beats around the bush with a sanitized version, we are all going to be burned, now and in the future.

The second part of the last sentence "my hand touched and moved across Satya's upper thigh over her clothing" could be changed as follows:

3. I think that what you've suggested is all right.

I can understand that Satya could have undergone a disturbing and traumatizing experience because of my inappropriate behavior. During the incident of reading together I had also shameful feelings.

Why did he feel "shameful feelings" unless his intent was less than pure and the placement of his hand more than her thigh? He is going to be destroyed in the public arena if he admits the feelings but not the act. Again, I don't like bring this up or pushing in this direction. I do so only with the motive to get this behind us and dealt with in a way that reasonable devotees will still respect the GBC for doing the right thing.

It is not "could"—she "*did* undergo a disturbing experience".

Drop "traumatizing".

Both of the above sentences can be dropped. I have included this in somewhat at two other places.

4. I think these two sentences can be dropped.

I had been brought up in a way that kept me entirely innocent of the experience of sexuality. When I found myself put into close association with Satya, some feelings unexpectedly arose, but this experience was new to me and I did not know exactly how to acknowledge them or cope with them. I yielded, momentarily, to impulse, and acted in an inappropriate manner.

Good statement assuming he admits to the actual location of his hand—because that is going to be the knife that cuts him if he doesn't.

I have mentioned now the actual location.

5. OK.

However certain circumstances conspired to disassociate myself from my usual sense and my normal behavior and made me unusually vulnerable. First my leg was broken, a serious disability for me, as my main service and objective was Padayatra, always walking on the road. Second, my immobility confined me for a prolonged period to an unfamiliar domestic atmosphere, full with family interactions and emotions. Third, the strong desire of the father to administer discipline and instruction to Satya also drove me into closer association with a female than I would ordinarily venture.

I think it is better if he drops this above paragraph. It looks like he is rationalizing and minimizing too much. He already said this earlier in the letter. Repeating it seems too defensive and dissembling.

From the paragraph I would propose we retain the following which has not been mentioned elsewhere:

6. I would suggest dropping it. But if you feel you would prefer having your new version then that's possible.

My transgressions were not consciously planned. They were accidental mistakes for me in very unusual circumstances. I realize that had I kept strictly to the proper social conduct for a sannyasi, I would have been protected and would not have become victim of this situation. I sincerely regret these incidents.

This paragraph should probably be removed too, but as this is an emotional event, if I were in Lokanath M's position, I would want and need the chance to express myself. So leave this paragraph in but only if you drop the one above.

Let's keep this paragraph since I have shortened the previous one.

7. OK.

In 1993 Satya lodged a complaint about these incidents. A committee of seven GBC members was appointed to deal with this case. I was immediately suspended from initiating further disciples and my

movements were restricted. The GBC directed me to a group of mental health professionals, specializing in child molestation.

There seems to be a difference between what Satya describes on the website and what Lokanatha Swami is decsribing.

These are just chronological developments and actions taken in this regard. Perhaps Satya was not (fully) informed or aware of it.

8. OK.

The evaluation was conducted over several days and consisted of multiple clinical interviews, complete mental status, psychosocial and psychosexual histories and various other tests.

Some of the main conclusions of the professionals were that:
- I was not a pedophile.
- Although the girl was young, she had begun the transition to womanhood, and I did not sexually relate to her presence as that of a child.

This one is going to be hard to sell. She was only 11.5 year old. I don't care what the so-called professionals say. It will inflame many well-meaning devotees who were supportive to this point.

This sentence (Although the girl ….. of a child) can be deleted.

9. OK.

- I do not pose a danger of overt sexual violence toward women and children.

- The incidents happened in an unusual sequence of circumstances. They arose fortuitously,

"forituitously" is not the best word. Will it means "by accident" it also implies "unexpected good fortune"

Change "fortuitously" to " "

10. I would say "by accident".

and with a minimum of precautions, and such situations should be easy to avoid in the future.

I think it would be convincing to mention later in the letter that the event happened in 1990? and there has not been a single incident reported since. That is 30 years without another mark against him.

I'm mentioning this at the end of my letter.

- Given the unique conditions that prompted the episodes, and given the fact that there is no reason to expect such episodes to occur again, I should remain in my role as a religious leader.

This is not a good point. If it happened today, he would be stripped of sannyas and never initiate again. I would definitely drop this one.

The sentence can be deleted.

11. OK.

- I had acted in a clearly inappropriate manner towards Satya and that she may have undergone a disturbing and traumatic experience common to victims of sexual abuse.

What do you mean "may"? She obviously "*did*".

Change "may have" to "had".

12. OK.

Satya was first interviewed by a female devotee whom she knew and trusted, and then by a professional female devotee specialized in child molestation.

What is the reason for including the above? It seems like making excuses and rationalizating.

The EC can decide whether to remove it or not.

we can just mention: Satya was also interviewed by a professional female devotee specialized in child molestation.

13. OK.

After undertaking complete investigation, the GBC committee recognized my accidental mistake and decided after much discussion that I could continue in my role as a sannyasi and acting as an initiating guru, starting Gaura Purnima 1996. To atone for this offense the GBC committee further stipulated that:

He is hanging this around the neck of the GBC. We put his initiations on hold. (In other words there is a need to be more explicit and remorseful)

14. This needs to be addressed.

- I would spend at least two months in Vrindavan in a mood of repentance, praying to Srila Prabhupada and Lord Sri Krishna for forgiveness, which I did.

-I would seek forgiveness from Satya. I did this first in writing and later in person, offering obeisances to her in the presence of her brother.

Change to "The family at the time appeared satisfied."

This change is alright with me.

The old wording looks like we are blaming the family and the victim.

The wording has been changed now.

And the following is really misleading.....for want of a better word.

In 1997 my leading disciples were also informed of the incidents and, in consultation with the GBC, guidelines were established for informing prospective disciples about them and their resolution. These

guidelines were applied according to time, place and circumstances.

This is a white wash. He fought tooth and nail for sanitized wording, was very spotty in informing disciples and aspirants, and then soon stopped informing them altogether, without GBC permission. Again, he is hanging this around the GBC's neck and not taking ownership for his own negligence and yes, disobediance of the GBC guidelines.

I know this is painful but frankly, this denial, this sanitized narration is going to blow up in his face again. It also make the GBC look very bad—that we did not do anything to protect and inform future initiates. He has to take the fall for this mistake because he is the cause. This stopping the informing of the aspiring disciples is the reason we are in this mess once again. He has to step up to the plate on this one, although it will be almost as painful as the original misdeed.

As far as I know the aspiring desciples needed to be informed and that was done for some time but than it was stopped, while as far as I know this still stands. When did Lokanatha Swami stop telling the new aspiring desciples and why ?

I thought I was following the GBC direction regarding aspiring disciples very religiously. I had appointed different senior disciples in different parts of the world to do this task of communication. They had the copy of the official GBC release paper, which was translated in several languages. Between 1996 and 2004 this communication was continued and then gradually faded out. The reason for stopping was that many of the aspiring disciples already about it because of the propaganda through print media

Those who this for the first time were not affected by this information.

In my knowledge there was only one candidate who decided to take initiation from another ISKCON guru and wanted to continue taking siksa from me. So after nine years it didn't seem to be relevant and necessary anymore or worth all the efforts to inform new candidates. I stopped informing them. It is true that I did not bring this to the attention of the GBC. What like me to do now?

Satya writes that my followers accused her of lying. I don't know who these followers are. These followers could also be general ISKCON devotees, not necessarily my disciples.

15. I will have to discuss this further with the EC and the concerned GBCs.

There is an Information Release paper from the GBC with some more detailed account of the incidents and how the GBC handled it. For more background information devotees may read that paper.

Don't include the above. Why put out more information for our critics to chew on and that will bewilder his followers further?

It is alright with me to drop this.

16. OK.

The following are the only words of contrition in such a long letter:

I have mentioned this in .

17. OK.

I sincerely regret these incidents still and very much repent for them. I again offer my apology and hope that especially Satya and others as well will forgive these mistakes of mine.

She is not going to forgive him. This close needs to be more sincere and not about requiring or requesting any action on Satya's part. He should probably apologize again for the pain cause. Then maybe he says that he prays that Satya and her family may come to forgive him.

Changed and added as follows:

As mentioned in Srimad Bhagavatam 9.19.17, one should not allow oneself to sit on the same seat even with one's own mother, sister or daughter, for the senses are so strong that even though one is very advanced in knowledge, he may be attracted by sex.
PURPORT
Learning the etiquette of how to deal with women does not free one from sexual attraction. As specifically mentioned herewith, such attraction is possible even with one's mother, sister or daughter. Generally, of course, one is not sexually attracted to his mother, sister or daughter, but if one allows himself to sit very close to such a woman, one may be attracted. This is a psychological fact. It may be said that one is liable to be attracted if he is not very advanced in civilized life; however, as specifically mentioned here, vidvamsam api karsati: even if one is highly advanced, materially or spiritually, he may be attracted by lusty desires. The object of attraction may even be one's mother, sister or daughter. Therefore, one should be extremely careful in dealings with women.

Satya was like a (spiritual) daughter to me. I compromised the above mentioned
Although I had learned this by heart. Because of my pride,
However the incidents in relationship with Satya crushed my pride. I learned my lesson.

As Bhaktivinoda Thakur states in Harinama Cintamani ( ): "if anyone offends a devotee, he must fall at the devotee's feet and repent bitterly; weeping and full of contrition, he must beg forgiveness. It is the duty of a devotee to not only give up his past bad habits, but always regret his past sinful acts. This is the standard of pure devotion."

Following this incident I spent some time in Vrindavan repenting for my sinful deeds. I prayed to Srila Prabhupada and Sri Sri Krsna Balarama for spiritual strength so that such kind of behavior does not occur anymore.

I sincerely regret these incidents still and very much repent for them. I again offer my heartfelt apology for the pain and distress caused to Satya. I pray that she and her family may forgive these mistakes of mine.

18. Seems nice. It might possibly be a bit long, but let us see what the others say.

Always praying for the mercy of the Vaisnavas.

Your servant,
Lokanath Swami

Appendix F

Description: Revised Lokanatha Swami Letter #2, *pg. 4*

Dear Devotees,

Please accept my humble obeisances. All glories to Srila Prabhupada.

With this letter I would like to bring the following matter to your attention.

In 1990 I was in the United States, staying at the house of a devotee family of Indian origin, when some incidents took place between me and their eleven and a half year old daughter Satya, in which she was abused by me. I sincerely apologize for this inappropriate behavior of mine, by which she has undergone a disturbing experience.

While I was leading the Worldwide Padayatra program, I had suffered a broken leg. While recovering with my right leg in a plaster, I stayed for about a week with the devotee family. During this stay the father frequently insisted that I give spiritual instructions to his children, and try to discipline them, especially to Satya, who was his youngest daughter. The incidents occurred in the course of my interactions with her.

I sometimes sat uncomfortably close to her, for example when I was teaching her to play harmonium. Sometimes, when she was playing harmonium, I would pat her and say, "Very good."

I was especially requested by the father to get Satya up on time. One morning I noticed she was late rising, and while chanting in my room I saw her in the room directly opposite mine. In spite of the late hour, she was still wearing the long T-shirt that she used as a nightgown, and she was upset that I saw her dressed in that way. When I told her to go to take her shower, she ran into her room to hide from me. I made her come out, and as she ran past me, I said, "Go and take your shower!" and slapped her on her rear end with my hand.

The incident that most distressed Satya took place one morning in the living-room. We sat close together on a couch reading from the Krishna book. My servant was going in and out of the room and Satya's

As we sat reading

together, my hand touched her thigh and moved across between the knee and upper thigh over her clothing for some time. While my hand was moving in the upper thigh region, I sensed my hand touched her private part. When this happened I had shameful feelings. Satya seemed to be uncomfortable, and the way she looked at me I realized that it was an inappropriate touch.

I had been brought up in a way that kept me entirely innocent of the experience of sexuality. When I found myself put into close association with Satya, some feelings unexpectedly arose, but this experience was new to me and I did not know exactly how to acknowledge them or cope with them. I yielded, momentarily, to impulse, and acted in an inappropriate manner.

My immobility confined me for a prolonged period to an unfamiliar domestic atmosphere, full with family interactions and emotions, which drove me into closer association with a female than I would ordinarily venture.

My transgressions were not consciously planned. They were accidental mistakes for me in very unusual circumstances. I realize that had I kept strictly to the proper social conduct for a sannyasi, I would have been protected and would not have become victim of this situation. I sincerely regret these incidents.

In 1993 Satya lodged a complaint about these incidents. A committee of seven GBC members was appointed to deal with this case. I was immediately suspended from initiating further disciples and my movements were restricted. The GBC directed me to a group of mental health professionals, specializing

in child molestation.

The evaluation was conducted over several days and consisted of multiple clinical interviews, complete mental status, psychosocial and psychosexual histories and various other tests.

Some of the main conclusions of the professionals were that:
- I was not a pedophile.
- I do not pose a danger of overt sexual violence toward women and children.
- The incidents happened in an unusual sequence of circumstances. They arose by accident and with a minimum of precautions, and such situations should be easy to avoid in the future.
- I had acted in a clearly inappropriate manner towards Satya and that she had undergone a disturbing and traumatic experience common to victims of sexual abuse.

Satya was also interviewed by a professional female devotee specialized in child molestation.

********** Basically to this point our GBC devotees feel the letter is acceptable. Regarding the following paragraphs, they feel they should be expressed differently:

After undertaking complete investigation, the GBC committee recognized my accidental mistake and decided after much discussion that I could continue in my role as a sannyasi and acting as an initiating guru, starting Gaura Purnima 1996. To atone for this offense the GBC committee further stipulated that:

- I would spend at least two months in Vrindavan in a mood of repentance, praying to Srila Prabhupada and Lord Sri Krishna for forgiveness, which I did.

-The family at the time appeared satisfied.

********** They feel they should be replaced with:

After undertaking a complete investigation, the GBC Committee felt very disturbed by my deviations and suspended me from initiating for at least five years. They further stipulated that I spend at least two months in Vrindavan in a mood of repentance, praying to Srila Prabhupada and Lord Sri Krishna for forgiveness, which I did.

OK. I'll include what you have written immediately above.

Change to "The family at the time appeared satisfied."

********** They also disagree strongly with this paragraph

In 1997 my leading disciples were also informed of the incidents and, in consultation with the GBC, guidelines were established for informing prospective disciples about them and their resolution. These guidelines were applied according to time, place and circumstances.

********** They feel this is misleading, and refer to this statement by yourself from that time in which you have tried to explain why the distribution of the statement was not carried widely: "India is a place where our performance in this regard has been poor. I have given the same instructions to those who are helping to communicate here. Because of the cultural differences- taking about these matters about their elders (especially spiritual elders) is not in their blood- they were reluctant. I had to insist and force. And sometimes, they would protest again and again with different arguments."

They feel it should be replaced by something like: In consultation with the GBC sub-committee dealing with the matter a clear statement describing my deviation was written which was intended to be distributed to all aspiring disciples for an indefinite period so they understood what had happened. It was distributed to some extent, but for various reasons it was not done very effectively. If there had been more contriteness in my heart at that time, I would have probably been more diligent in following the measures they had imposed upon me and made sure the statement was distributed more effectively.

********** Then the following paragraph is good:

I sincerely regret these incidents still and very much repent for them. I again offer my apology and hope that especially Satya and others as well will forgive these mistakes of mine.

********** You have suggested adding the following quotations, but the GBC devotees feel it is better removed:

As mentioned in Srimad Bhagavatam 9.19.17, one should not allow oneself to sit on the same seat even with one's own mother, sister or daughter, for the senses are so strong that even though one is very advanced in knowledge, he may be attracted by sex. In his purport Srila Prabhupada says: "Learning the etiquette of how to deal with women does not free one from sexual attraction. As specifically mentioned herewith, such attraction is possible even with one's mother, sister or daughter. Generally, of course, one is not sexually attracted to his mother, sister or daughter, but if one allows himself to sit very close to such a woman, one may be attracted. This is a psychological fact. It may be said that one is liable to be attracted if he is not very advanced in civilized life; however, as specifically mentioned here, vidvamsam api karsati: even if one is highly advanced, materially or spiritually, he may be attracted by lusty desires. The object of attraction may even be one's mother, sister or daughter. Therefore, one should be extremely careful in dealings with women."

Satya was like a spiritual daughter to me. I compromised the above mentioned verdict of the scripture. Although I had learned this verse by heart. Because of my pride, thinking I was advanced, I transgressed this standard of etiquette. However the incidents in relationship with Satya crushed my pride. I learned my lesson.

********** They suggest then changing the above paragraph to read:

Satya was like a spiritual daughter to me. I compromised the verdict of the scripture that one should not sit close to even one's mother, sister or daughter. Because of my pride, thinking I was advanced, I transgressed this standard of etiquette. However the incidents in relationship with Satya crushed my pride. I learned my lesson.

********** The rest is fine.

Following this incident I spent some time in Vrindavan repenting for my sinful deeds. I prayed to Srila Prabhupada and Sri Sri Krsna Balarama for spiritual strength so that such kind of behavior does not occur anymore. By the kind mercy of Their Lordships, Srila Prabhupada and the vaisnavas, since 1990 when this incident happened for the first time, in the past twenty years such kind of event has not recurred again.

I sincerely regret these incidents still and very much repent for them. I again offer my heartfelt apology for the pain and distress caused to Satya. I pray that she and her family may forgive these mistakes of mine.

Always praying for the mercy of the Vaisnavas.

Your servant,
Lokanath Swami

Appendix G

Description: October 2011 GBC Midterm Meeting Minutes, *pg. 4, 14, 15, and 41*

LOKANATH SWAMI

Hcd: bcais will introduce, sesa will give ppt. then questions and answers.

Bcais: attention. Read proposal GET DOCS FOR FOLDER

In 1990 unfortunte incident, statement was issued in 1997. Was to inform disciples which went on for some time. Last year she brought forward complaints strongly with help of ritviks. Ec felt the practice of giving initiation candidates giving them info about this, so not a surprise, so they could accept it before initiation. Lok and the ec prepared such a letter based on the letter of 1997. This was prepared, then our legal consultants tightened or sharpened the focus. That letter was presented here last year. The ec's idea was Maharaja would present the letter and continue to initiate.
But then some members felt more action might be needed. . . .

??

Hung vote in mayapur about this, lok came forward and expressed he would stop initiating of his own volition and that's how it would be presentd. There was no resolution, just coming from him.

Somehow the word got out that we pressured him to stop, which brought a strong reaction from his disciples and indian leaders. He felt perhaps he should continue. To address this he has made a presentation already which you received, a detailed and shorter version.
So Maharaja is now going to present this point and the logic behind it. Some discussion and then a vote. If somehow it is hung it'll have to wait till mayapur to go on further.
Now we call on Sesa Prabhu to present on his behalf.

The decision was not published but somehow the word got out and it appears it became public.

Badri: good news travels overland, bad news travels air express.

Sesa:

GET PPT FOR FOLDER

He wishes to reveal his mind about what bcais told us, the whole history. He is grateful to have that opportunity and is hoping that it will be taken in the spirit as hh rns writes:

"HH Lokanath Maharaja has approached me with a heavy heart about his
need to explain to the body his understandings and realizations regarding the
topic discussed last year. Having dedicated his life in Srila Prabhupada's
service for the past 40 years, I feel that it is appropriate for the body to
carefully hear him out with due consideration while evaluating the situation."

Personally, I can say that having gone through the material, my perception of the events has changed, what I understood in mayapur was wrong and now it is clear. ???

Bcais explained how we got here. Lok lead kirtan at nyc ry 2010, girl and family made some complaints about this, came to attention of ec, 3 aspects of their response is what we will discuss here.

1. Increased publicity.
   But this only took place for a short period of time, after jul 10-20 there was nothing more aobut it. No more such stories.

2. Disclosure: he admits he didn't follow perfectly. There were no real guidelines given how he had to inform them, he did that, he established a network of senior disciples who were to distribute this info to prospective disciples. After 7-8 years, things changed, and his error was not consulting the gbc but acted on consideration of disciples' thinking this being an old an irrelevant matter. Now he promises to recify this.
3. The third area was perception of severity of incident increasing. Since 1993 he has been consistent in his reporting of the incident. Took place in 1990. . . family contacted gbc in 1993 and a subcommittee was formed. There was no formal report then, it is important to note how they handled it. Gbc committee, this quote is from 1997 but refers to 1993 committee. They were acutely aware that it was likely to be publicized on the net, but they felt it unprincipled to respond to the rabble rousers. "provided he recognized his fault and rectified and atoned' then should not be disqualified. And he did. He followed the recommendations. The impression I had in mayapur was that he had not been forthcoming, had been reluctantly going along, maybe not disclosing facts, but here we see the committee gave him a clean chit.

If we go to 1997, how did this come up in again when it was dealt in 1993? The gbc felt the need, because of publicity in part??, another subcommittee, they came up with a detailed report. This included the psychological evaluation of 1993. They came to certain conclusions and that is important as show his motive. These were done by gbc and professionals. CAP behavior associates specialize in clergy implicated in child molestation. And they concluded he is not a pedophile and presents no danger to children. Also given the conditions, no reason to expect it to return, he should remain a religious leader.
And there haven't been any recurring incidences in 21 years.

This report came out in 1997. And a letter that the committee posed that he was to hand out to his dsicples. In that letter, there is a decrease in the severity. He disclosed the severity in 1993, the 1997 letter doesn't have the same degree of candour as Maharaja own statements because the committee felt that the instance should not destroy his life. They said that. (repeats)
Lok himself is not responsible for the decreased severity of the letter, it was the committee's decision.

Then 2010 again there was publicity. The gbc was informed and had to take action. We had a similar ec, they met lok, decided he should distribute another letter. You have it. It wasn't presented to the gbc. Said sanctions should be imposed again but not initiations stopped altogether, for some time.

Sent for legal editing. The severity in the legal edit went up dramatically. Loks' story always remained the same but the severity goes up to D. contextual edits, terms, additions and deletions. Here are some examples.

My perception at least was changed.

Contextual editing:

Inappropriate vs uncomfortable
Background info was taken out in the legal edit, context changed, sounds like he was alone with her. (harmonium incident)

Deletions:
The professionals felt his background was important. That was in the ec letter but was removed by the legal edit.

Accidental mistakes—was taken out of legal edit.

The 1997 concusion was it was an accidental mistake but that was removed from edited version.

All this creates a perception that he was not forthcoming but that is far from truth. Based on all this, he has requested that we reconsider his voluntary statement about ceasing from initiations.

Sesa reads proposal

Hcd: srs's letter of support read. Bcs also. Bvs also. Bvg.

Badri: whatever gbc decides, let it be decided on fact. I am very pained to be in this situation. Lok is saintly, it is not pleasant to say this, we have repeatedly been put in this position. I hope I never have to repeat. Here is what happened: lok told me at the time, sesa was not present at the time, many facts have been edited out from both sides, we have danced around the issue. Here is what happened. I hate saying this.

Lok was sitting on the couch with this could, took his hand, felt her vagina, he moved his hand back after she moved it away, and felt her out as they say, he admitted he was overcome by lusty desires, that's what he told me.

That is the core event.

At every moment there has been haggling, he wasn't necessarily straightforward, haggling, pressure over every single word, when we asked way back about the letter for initiations, it was pushing, we told him at least you have to tell disciples, not because of pressure on internet or expediency, but it was because we didn't want disciples who were angry we didn't tell them. Others were angry too. We said at least write a letter so disciples can have an informed choice so they don't feel cheated by iskcon and gbc. We haggled. The graph of disparity is not because gbc was ambivalent, but under pressure of him and others, and out of respect for him, that's one reason you have the fluctuation. That letter, there were agruments, is it just for the west, just for usa, NO, you have to do to all,

It was reluctantly, anemically, and faded out. Embarrassing for him and he let it fade out. But he is responsible. That is history. There was a quote from the psychological review was that lok cannot envision himself not being a guru, may have a breakdown.

If you strip away the wrangling, you have his burning desire to initiate. Here are gbc members, sannyasis, who don't intitiate. They are able to give significant shelter for years. I have helped ppl become devotees, trained, who see me as more important than their diksa guru. The idea that if I can't initiate I can't preach or initiate is not a fact.

Picture a scale, we want to protect lok, encourage, recognize his years of surrender and dedicated service. Can't deny the other side. What about ppls faith in guru system, gbc, etc. because of his burning desire to initiate, this is coming up again and again. Mud thrown on him, gbc, ISKCON, again it will be on sampradaya sun. again giving them tool and again faith is broken of devotees.

If lok had followed the original good advice. The gbc frankly tried to help and protect him by bending over backwards, if he had sustained that agreement we could have protected. If he had followed the advice from mayapur, maybe in 10 years we would have begged him to initiate. He keeps opening the wound and it never heals because he cannot breathe without initiating. He couldn't take the first good advice or second. Be like Bhisma, be noble. You would be honoured and we would all be relieved.

Dds was given same opportunity, he couldn't. bsst made a vow, he stole a mango, said I cannot taken for rest of life. If he took that advice in past, or last year, or now, all he has to say is I made a mistake it was big though long ago, he will be glorified honoured and respected.

The letters we heard from other gbcs are based on inaccuracies, if the body decides he should initiate, if he cannot take the vow himself to not, I will accept it, it will be a relief. I abhor being in this position but let it be based on facts. I am sorry to put him in this position. May I never have to ask you this again, are you changing what you told me or is it factual? Either you are inaccurate now or then?

Lok: what I confessed or disclosed in 93, some are here, bkg and some others, it happened in san diego. I don't know if you were on the team or privately. I am not going back on what you described. It was not written down in 1993. That was the subcommittees decision. Also to not involve the rest of gbc I was told don't tell disciples, don't initiate for some years. Tell them you are busy with centennial. The confidentiality was not maintained by our members, in 1997 there was some propaganda about it, so my name was lumped with that. Virabahu was chairman, bkg of na, they decided to make a statement as the rumour mill was exaggerating. Same subcommittee of 93 wrote a report. Then because that paper of 97 was to be shown to disciples, I was doing some negotiation, but I was standing by what I had stated. Rvsd was the author, he interviewed me, others' input was there and the subcommittee was released. The facts did not change but on paper it was not mentioned what part was touched, just mentions upper thigh. I was showing that paper to prospective disciples for 7-8 years. Most were indian, when they would read or hear that, they were not so disturbed by the incident but why do we have to hear it from ten years ago. So we phased it out. My mistake.
In 1997 at that time I was given a doc without any such guidelines, I had not undetrstood how long. So I stopped and I apologise for that.

Then last year some publicity on the ritvik site, we attemptd to come up with a draft that described the severity of 93. I am sure I contributed to the 97 watering down, but others gave input. So we wanted to go back to 93. Bcais and I went back and forth. I don't know who else was in the background, I am sure badri had a say of 2010 draft. That draft does give the details of the part of body, the intention was to prepare an updated version, an apology letter and give it to prospective disciples. Then legal edit, I was asked to come and I hadn't seen that version. I was told it was slightly changed and I didn't pa attention and only after agm did I closely look at it.

In mayapur everyone was saying it is more severe and then I realized where it came from. The subcommittee also felt it should be subdued in 1997. The severity came from the legal draft and I wanted to bring it to your attention. That was alarming to the subcommittee of 2010. They had a long session, reviewed the whole case. More sanctions, each time the moratorium on initations was there, then a ban came up. The surcharged atmosphere, I was bewildered, severity I didn't understand, so I did agree, but was wondering if it was justified.

Hcd: to badri, you were talking about the same incident which is different version??

Badri: I tried to get far away, I didn't write that letter . about changing severity, rvsd himself it was the caes of the wandering hand. You haggled over every single word. I touched her upper thigh, and that is what everyone thought,

severity changed as previous versions were acquiesced to your desire and to protect your reputation. Upper thigh was your word, and you put your hand there, one time it was accidental, but that is not what happened, don't load the severity on the gbc, that came because of you. It became clear I think only now all are aware of what happened. Another example of your constant pressure the whole way.

Tamo: severity issue, I will say yes, it is not that there is new facts, that is true and consistent. What has changed is knowledge of what happened and reporting, I have all the files I know this case very well. In one version, I hate to say it, but my reaction was it was a whitewash. The 93 or 97 watered it down so much so as to be almost unrecognized. Badri also was saying that from the beginning to get a stronger statement.

The fact is most of gbc most ppl didn't know the details, even in amaypur 2 gbcs I spoke to were shocked. It isnt' your fault exactly. We came up with a list of proposals similar to yours. I was in the committee. When we went in the meeting, there was a complete split. Then some of your godbrothers spoke to you, I thought this would be such an embarrassment for you to give this lette, when you came back to step down, we all felt this sigh of relief. This is a solution. We don't want to come down on you, this was a great relief, an elegant solution.

Now when I heard when you wanted to reopen it was like a wrench in my heart, etierh you or gbc or ISKCON will be embarrassed. It is a fact. . .i don't feel you are dangerous to kids, no. the problem is it did happen, however.
One phrase is "sole accidental mistake" that is an interesting thing to call child sexual abuse. You would be jailed in the us. Even if it was time, accidental perhaps. Now we have to defend a guru in our movement who was responsible for child sexual abuse. It is very difficult to defend this position to our devotees.

I told you this before, maybe not so strongly, you said what has really changed, one big change is the cultural change. That maybe not fair to you but we know more aobut hese issues, lawsuits, we've gone thorugh bad publicity, losing practically a generation of devotees, so much pain from the way esp. we handled it all. What about our society and the overall effect?

There is an anomaly. We will have to explain, I don't want to explain. I would so much rather come to you thatcould be dealt with vaisnava way. I will live with the results.

Prag: obeisances. I also spoke in mayapur on this subject. Notwithstanding sesa's presentation, for me it just doesn't change anything last year. As long as our movement allows the gurus to be seen in a certain way, which is way above any other religious organization, so elevated, sastric quotes on guru, when something like this happens to such a person, for me it means they cannot servie in that role in this life, it is impossible to defend. Then we make some arrangement to again serve in that position. If we make such mistakes, the role of guru that we shouldn't want for the sake of the movement. I could never vote in favour. In my experience this is the first time we get letters on a screen from absent members and I object to that procedure.

Badri: it's a campaign.

Ad: first, I am not clear on the purpose of the presentation, it doesn't change the facts, I was involved in it, it is a fact that the lawyers stepped up, but it also was sanitized in the beginning. I think that, the issue raised multiple times that to have Maharaja stop initiating is going to destroy his life, no proposal that he cant be a sannyasi, or give shelter, just no further disciples. Even that is a stretch. . . .

What is critical, is not the history of the letters, but as it resurfaced last year, as ic, it forced us to reexamine the situation 1. That Maharaja didn't fulfill mandate to inform disciples and 2. We had a resolution that cpo resolution was to apply to guru too?? Cpo existed in 93, ?? I remind all last year, and the first cpo director felt gbc was protecting lok to not open his case.

He is far away now but he more than once felt discomfort that he was not allowed to open that case, it had been handled in the past, let sleeping dogs lie. But it came up again then you are forced to make this decision again.
The other day we heard feedback about the gbcs reputation, one or two was that gbc is an old boys' club and protects its own. We have to at least consider that. To we have to be consistent with the cpo law, someone told bvps about the cpo resolution who agreed before it was passed to conform.
Sad and complex for all of us, because of our respect and affection, the issue is not how the letter changed. We have to decide on our standards and outside pressure.
We had letters form other leaders in india, but the dog is relatively sleeping, and when he starts pasing out these letters again it is going to be hard to predict the reaction. The disciples who now get the letter who knows what they will say? Torturous. So when it came to body, I think I told him it may come that you may not be able to initiate, and this is the s. . . .

But he has agreed like a gentleman to not initiate. Not sure if I have heard enough to change my decision.
Hcd: we have 15 mins left only. Have to discuss once he leaves and then vote.

Gkg: we have to extend time, requires 2 3rd vote to do that.

ALL IN FAVOUR TO EXTEND DISUSSION TILL 7:

19

Bkg: he is still trying to barge us but maybe we can end it quickly if we talk privately.

Prag: Badri expressed strongly, and interesting they recommend he stays a religious leader, badri articulated that he is addicted to being a guru, the point is that no member of this body don't lobby for him again. If we bring a decision it won't come back again.

Pas: I think you should decide first if you want to speak privately.

Jps: I'll speak slowly so better understood. I want to thank badri for enunciating what actually happened. This is what he also told me, it's not what is written there are two things, it was dealt in 93 and 97. Then they had decided some things. He said he was not given a written copy of those decisions so after 7-8 years he stopped giving those papers out. Now in 2010 we had discussed the issue? And come out with further restrictions? Then a wave in the gbc which was to take some?? Some gbcs have changed their thinking. They said they were influenced by the legal edit.

Back and forth, I think this was dealt with, there is no use asking someone to take a voluntary vow if it is not voluntary. "a man convinced against his will is ?? still."
We don't want our children abused, he went and apologized, bowed down, letter, review, so from his side he has been cooparative? And I don't think repetition.
I have this doubt, as we all know from cc that kala krsnadas had a falldown, by bhattatharis. They engaged in illicit sex and Lord Caitanya had to personally save him, Lord Caitanya came back to puri and said he cannot be my servant any more and then he was sent to Bengal by Lord Nityananda. In Bengal, after some time, the Lord authorized him to be a diksa guru, there is a saamadhi for him and his disciple. He is also good singer and preacher. Our tendency is that we should give him some sanction and then ?? say we know have it dealt with by the cpo and this was ?? my humble opinion that we should let him resume his preaching.
He said he will stop initiating in north America. . . .

Vira: I was chairman in 93 and appointed the committee, in my point of view the question is more than double jeopardy, that the committee did know all the facts and they made their decision in 93 and 97. The main thing to be discussed is if it does apply, tamo and ad, said there have been cultural changes.

Badri: one reason is he didn't follow.

Vira: does it have meaning double jeopardy, or more important the other facts. The committee did know all the facts. Why are we doing this again, it should be very clear.

Rps: the double jeopardy issue is important, at the same time we are being called upon to make a decision, this is the first time I hear the details, how can we vote that someone is a guru who did child sexual abuse. How can vote in favour of that in principle. How can we not follow our own resolutions? And then public opinion, which may go either way. I would rather go to principle than opinion. I can't vote for that.

Pas: It seems that the vote will go one way, I don't know if there is a need for me to encourage, that. I am inclined in the same way, whatever happens about issuing subsequent explanations, the paper he handed out doesn't represent the truth which I just heard.
Unless the paper explains what exactly went on for the disciples, it would be objectionable to water it down, that itself should be enough for him to not initiate.

Gkg: can we propose long term sanctions instead of blanket. The impact in his temples concerns me. They are all not aware of all this to the best of my knowledge.

Bkg: one additional piece of info, that when lok did this thing of putting his hand on the private part, the mother walked in and he took it off and then did again when she left.

Badri: not particularly, but the girl moved his hand away.

Bkg: I don't remember that.

??

A pretty deliberate act, he took it off when someone else came in the room and did it again. It increases the severity.

Tamo: responding to gkg, that is a consideration, what is the effect, but here are the two scenarios: he will have to give this embarrassing news to everybody, that will be less than he not initiating at all. Dealt with quietly. Best case is he goes to be gving some fairly strong leter which you will all have to explain.

Ad: I thought they were going to display, we didn't have the psychiatrist report, which wasn't shown, they said he responded to her as he would an adult woman. It wasn't pre-pubescent. He responded to her as a woman. Put that on the table. ??

Prag: 11, at 15.5 I can have some empathy, at 11 I don't whatever they said. Even 11 has presence of mind to take your hand away, what right do you have to put it back.
But the pragmatic thing, what effect, that has to take second place and we have to work on principle. Some gurus are worshipped as god every year. You cannot then reinstate a person into that role who has done this

out of lust. Ignoring sannyasa dharma, or devotee, then she 11, then putting his hand back. Can initiate again and worship as good as god? Major issues and problems.

Rps: straw vote, vote may go in certain direction and some group can visit. Voluntary or involuntary, take the high road or the low road.

Proposal seconded.

STRAW VOTE THAT SAYS HOW MANY IN FAVOUR ARE IN FAVOUR OF HIS PROPOSAL AND HOW MANY NOT. DIRECTIONAL.

IN PRINCIPLE SHOULD NOT INITIATE: then take that to him, and say this is the will of the body.

Hcd: are we ready for that, or need more direction.

Badri: rps's vote is to get sense of the body, whichever way, that he shouldn't initiate, directional, and a group goes to him.

Rps: directionally, he should not, take that to him and then see if we can get something from him.

Ad: even he is saying he won't initiate for another year.

Call the vote, those in favour of accepting his proposal or some modified version

1 in favour

Second version: we would not like to see him initiate:

13.

Abstentions 7

Badri: dsdd proposed, how many are in favour of encouraging him to sincerely voluntarily. . .

Prag: we did that already in mayapur.

Hcd: It would have to written and unpublished.

Badri: I was hoping he would listen to his better angels. Maybe I'm naïve.

STRAW VOTE HOW MANY IN FAVOUR OF GROUP SITTING WITH HIM AND SEE IF HE CAN SINCERELY AGREE TO NOT INITIATE.

TELL him the results, maybe he will see that his best case didn't go through, how many in favour of that effort.

In favour of making that effort: 15
Not in favour: 1
Abstain: 5

Bhanu: an alternative, that he should come to usa at all. Or Europe.

Badri: doesn't mean anything.

Pvs: I agree with prag, I against this practice of putting diksa gurus on such a platform and it becomes an enormous drama when they do something wrong, I am surprised this has never been discussed on the body.

Badri: well taken, given this situation, what do we do now?

Pvs: I think you have seen the will of the body. I don't have much to add. There is a cultural conflict here, in india, the history here, such thigns would be overlooked 20, she was dressed, in the modern world we have big pressure from the west. Cultural clash here, it is problematic.

Bms: I believe pvs hit on important point, the bigger picture. Every year we have a high profile godbrother who has a state of weakness and then we get into this. They are perceived like a god or demigod and I wish we could spend some time with this. Demuystifying the image of the guru ,the bigger picture, ti seems many of us are intoxicated with initiations, we need to discuss this, we are embarrassing ourselves every year.

Pvs: I don't feel he is super attached to initiating, in india disciples influence others to take initiation from their guru, that puts him in hard position, we have rules to mitigate that, but that is the way it is. He is being pushed to accept disciples.

Gkg: I was in favour of long term restriction, nothing new to add. Not permanent restriction.

Ad: it is 7, I don't think we are going to sway the votes in half an hour. Someone should go to explain, let him mull it over, we can't decide over email. At least a couple of senior members sent letter, he felt pressured, but he had the night to think about it, now way he can do it in ten minutes. Someone should talk to him, anyway he can't initiate till 1 year, maybe by mayapur he will think it over. Give him the honest vote.

Nrs: I second ad.

Bhanu: what happens if this proposal is defeated. Not formally. Ok so it is formally voted.

Ad: we could take a formal vote on his proposal.

Hcd: number 1 is clear it is on the paper in front of you, all in favour of number 1. If we vote in favour of 1 then we go to the conditions.

If 1 is against then it stops there.

Voting by hand on 1:

In favour: 1
Against: 12 (including rps)
Abstain: 8

This means we don't need to visit number 2.

Hcd: now what do we tell him? His proposal didn't pass.

Tamo: who were the volunteers. Bkg.

Bkg: I suggest tamo.

Tamo: I won't be seen as sympathetic.

Bcais: I abstained. I tried to talk him out of it.

Prag: pas and sesa should join sesa.

Hcd: sounds better.

Sesa: I would talk to him myself.

Pas: I can join.

Ad: so what is the technical situation, can he initiate?

hcd: he is still suspended.

Papers must be gathered up.

Vira: what is to be said to the aspirant disciples.

Badri: talk in mayapur.

Vira: ppl are asking me.

Dsdd: even if accepted he wouldn't be initiating till 2012.

Vira: so we tell him that. I have ppl in my zone who want to be initiated.

Hcd: his proposal has been rejected, we are in the status quo. That remains. Even that is kept confidential.

Dsdd: we could come to a place that we . . .

Hcd: the meeting is closed, thank you very much.

Appendix H

Description: 1997 Bir Krishna Goswami Report On Sub-Committee Findings, *pg. 8 and 14*

https://docsbay.net/lokanath-swamis-case

and here: https://www.iskconirm.com/docs/webpages/lok1.htm

From: Bir Krishna Goswami

RE: Copy of message to GBC conference

"Dear GBC members, It is my duty to inform you of the actions of a special GBC subcommittee that dealt with a confidential investigation of Lokanatha Maharaja. The members of the subcommittee are: myself, Badrinarayana Prabhu, Mukunda Maharaja, Sridara Swami, Virabahu Prabhu, and Ravindra Swarupa Prabhhu.

It is important that you be aware of the decisions and findings of the committee so that you can properly deal with rumours that are circulating.

Please understand that those matters are strictly confidential. I am requesting each GBC member to not show this message to anyone else. Also please erase this message after reading it.

Madhusevita Prabhu asked me to add the following: "If a GBC member is detected as having printed or disseminated this report in an unadvised manner he may be subject to censure by the Ex Comm."

Here are the details:

"In 1990 while staying at the house of a family for a few days Lokanath Swami (Swami x) touched a young pre-adolesent girl in an inappropriate way by putting his hand on her lap. He was sitting next to her on a couch in a families living room, both were holding the Krishna Book in their

hands, the hand holding the book (the back of the hand) rested on her lap as he read the Krishna Book. The hand did not move.

In 1993 when the GBC chairman became aware of the incident and appointed a committee to deal with the issue, Swami x was also told to stop all initiations.

The committee conducted a thorough investigation, which included bringing a team of professional experts in New York and involving Mother Yasoda. The cost of the experts exceeded $2,500 for a four day intensive assessment. The experts made an in depth examination Swami x after which they concluded that this unfortunate incident had occurred because of the Swami x's complete lack of prior experience on the matter of dealing with women. Having learned his lesson (the need to follow the proper social conduct for a sannyasi) they were confident that this incident would not reoccur. They also stated that he had the proper nature of a spiritual leader and should be allowed to continue in this role within our society.

An apology was made by letter and in person to the girl and the family. They were satisfied.

The GBC committee concluded that this deviation from the acceptable conduct had been accidental.

So in 1996 after Gour Purnima, he was allowed to begin accepting disciples again."

It was concluded this year in Mayapura that all prospective disciples of Swami x would be given the history of the above.

Bir Krishna Goswami

Appendix I

Description: 1999 GBC Information Release, *pg. 8*

Information Release from the GBC

Brief Account of a 1990 Incident Involving H. H. Lokanath Swami
And How the GBC Handled It

In 1993, a fourteen-year-old girl of Indian background lodged a complaint concerning H. H. Lokanath Swami before some members of the GBC. (The girl is a daughter of initiated ISKCON members who have long resided in America.) The girl asserted that about three years earlier, when she had been eleven years old and Lokanath Swami had been staying in her family's home, incidents took place between them which made her feel sexually victimized by Lokanath Swami.

After receiving the girl's complaint, it was arranged for a committee of seven GBC members to meet with Lokanath Swami as soon as possible. The GBC also arranged for the young girl to be interviewed, first by a female devotee whom the girl knew and trusted, and then by another female devotee who was a mental health professional in the field of child molestation.

The GBC committee had immediately suspended Lokanath Swami from initiating further disciples and restricted his movements while it undertook a complete investigation.

This is what the GBC committee found out: In 1990, while Lokanath Swami was leading the world-wide "Padayatra" program, he had suffered a broken leg. While convalescing with his right leg in a cast, he stayed for about seven days with a devotee family in America. During his sojourn, Lokanath Swami was frequently pressed by the father of the family to administer spiritual instruction and discipline to his children, especially to the youngest child, an eleven-year-old girl. During the course of Lokanath Swami's interactions with the girl, the incidents occurred that the girl later reported.

She reported that Lokanath Swami sometimes sat uncomfortably close to her, when, for example, teaching her to play harmonium. Sometimes he would praise her by patting her and saying "Very good."

One morning, Lokanath Swami, who had been especially charged by the father with the task of getting the girl up on time, noticed that the girl was tardy. While chanting in his room, Lokanath Swami saw the girl in the room

directly opposite his. In spite of the late hour, she was still wearing the long T-shirt that she used as a nightgown, and she was upset that he saw her. When he told her to go take her shower, she ran into her closet to hid from him. He made her come out, and as she ran past him, he said, "Go and take your shower!" and swatted her with his hand.

However, the incident that most distressed the girl took place one morning in the living-room. The two sat close together on a couch reading from a volume of the Krsna book, with Lokanath Swami's servant going in and out of the room and the girl's mother cooking in the adjoining kitchen. As they sat reading together, Lokanath Swami's hand touched and moved across the girl's upper thigh over her clothing.

The psychologists who evaluated this matter had no doubt that the girl had undergone a disturbing and even traumatizing experience. When questioned, Lokanath Swami could recognize the various individual episodes that had caused her disturbance, and he confessed to the emergence in himself, during the incident of reading together, of shameful feelings.

In order to help determine the proper disposition of this case, the GBC sent Lokanath Swami to CAP Behavior Associates, Inc., a group of mental health professional that specializes in evaluating and treating clergy (from a variety of religious traditions) implicated in child molestation.

The beginning of their written report outlines their procedure:

"The following is a summary of our evaluation of Swami Lokanath and is provided per the request of the patient in accord with the wishes of the Governing Body Commission of Isk[c]on. The evaluation was conducted over a two day period (6/25/93 & 6/26/93) and consisted of multiple clinical interviews (complete mental status, psychosocial and psychosexual histories), the Minnesota Multiphasic Personality Inventory II, the Millon Clinical Multiaxial Inventory II, the Assault Knowledge Inventory, and the Rorschach Inkblot Test."

The CAP Behavior Associates team also received a report from the psychotherapist who had interviewed the victim.

After the evaluation was completed, members of CAP team met personally with some members of the GBC, explained their findings and answered questions.

The following are their major findings:

1. Lokanath Swami is not a pedophile. He presents no danger to children.
2. Although the girl was young, she had begun the transition to womanhood, and Lokanath Swami did not sexually relate to her presence as that of a child.
3. Lokanath Swami had been brought up in a way that kept him entirely innocent of the experience of sexuality. He had not undergone the normal (or, at any rate, western) adolescent struggle of coming to grips with sexuality and sexual feelings. Thus, when he found himself put into close association with this young girl, some sexual feelings unexpectedly arose, but these feelings were new to him, and he did not know exactly how to acknowledge them or cope with them. The normal, reflexive restraints and inhibitions that experience would have established in him were not in place, and he yielded, momentarily, to impulse, and thus acted in a transgressive manner.
4. Certain circumstances conspired to disassociate Lokanath Swami from his usual sense of himself and his normal behavior and to make him unusually vulnerable. First, his leg was broken, a serious disability for one's whose main service and raison d'être was Padayatra, walking. Second, his immobility confined him for a prolonged period to an unfamiliar domestic atmosphere, full with family interactions and emotions. Third, the strong desire of the father for Lokanath Swami to administer discipline and instruction to the girl also drove him into closer association with a female than he would ordinarily venture.
5. The episodes offensive to the girl were therefore anomalous, brought about by a highly "unusual concatenation of circumstances." They arose fortuitously, and with a minimum of precautions, such occasions should be easy to avoid in the future.
6. Lokanath Swami's entire identity and sense of self is built upon his role as a religious leader, and it is a role to which his personality is exceptionally well-suited. Given the unique conditions that prompted the episodes, and given the fact that there is no reason to expect such episodes to occur again, Lokanath Swami should remain in his role as a religious leader. (However, this does not negate the girl legitimate feelings of violation and abuse.)

Having received this evaluation, the GBC committee had to make a decision. It's conclusion, arrived at after much discussion, was that Lokanath Swami's fault quite exactly exemplified what Srila Prabhupada termed an "accidental" mistake (B.G. 9. 30-31). Lokanath Swami's transgression was not planned or premeditated. It was, to use Prabhupada's terminology, unconscious, not willful, unknowing. (See for example, the conversation of May 10, 1969, in Columbus, Ohio and the morning walk of January 9, 1976 in Madras.)

First, the stage was set by the highly "unusual concatenation of circumstances": a broken leg, an overlong stay in a householder's dwelling, the obligation to the father to have dealings with the girl, and so on, all of which together operated to put Lokanath Swami in a vulnerable state. Second, Lokanath Swami's own inexperienced condition, his unusual sexual innocence or naivete, meant that at the age of forty Lokanath Swami was suddenly ambushed by feeling he had never dealt with before, and which he consequently had trouble acknowledging and controlling effectively. Whenever Prabhupada discussed such an accidental mistake, he referred to the sudden reappearance of a discontinued bad habit. Lokanath Swami case was a little different: there was not even the underlying traces of a former habit. Hence, in his case, it was a mistake that was highly unlikely to happen again.

He was found to be neither a pedophile nor a sexual aggressor. At the same time the action was anomalous, circumstantial, and not indicative of future behavior. Furthermore, the GBC could recognize the truth of the psychologists' assessment that Lokanath Swami was eminently suited to his role as a spiritual leader and guide, and that not allowing him to act in that capacity would be utterly devastating to his personal identity, his sense of himself.

For these reasons, the GBC committee decided his suspension from giving initiations would remain in effect only until Gaura Purnima of 1996. Thus for two and a half years he performed no initiations. By the time he began to initiate again, more than five years would have gone by since the incident in America.

Two further stipulations were added to underscore the seriousness of his breach of conduct and to help him atone for his offense to the girl:

Lokanath Swami was asked to spend at least two months in Vrindavan in a mood of repentance, praying to Prabhupada and Krishna for forgiveness. He did this, and he reports that he continues to repent. In addition, he was directed to seek forgiveness from the victim herself. This he did also, first in writing and later in person, offering his obeisances to the girl in the presence of a family member.

In 1997, Lokanath Swami's leading disciples were also informed of the incident, and , in consultation with the GBC, guidelines were established for informing prospective initiates of Lokanath Swami's transgression and its resolution. These guidelines were applied according to time, place, and circumstance.

The major misgivings of the committee is that word of this event would eventually leak out, and inevitably become exaggerated; Lokanath Swami reputation would be sullied, and the GBC would be accused of "covering up for a pedophile." Although acutely aware of this likely prospect, the GBC committee felt it to be unprincipled to destroy Lokanath Swami's life and service merely for the sake of expediency. The committee also recalled that Prabhupada had himself exercise a policy of trying to protect the reputation of erring leaders so that they could rectify themselves and continue to service the movement. On several occasions when a sannyasi had a falldown and the fact was embellished and broadcast by scandalized gossip, Prabhupada became angry. Although no one ever accused Prabhupada of a "cover-up," the committee members realized that if they perpetuated Prabhupada's same policy in the current milieu, they would be so accused. Nevertheless, according to the teachings and practices established by Srila Prabhupada, Lokanath Swami's sole accidental mistake did not disqualify him from his service, provided he recognized his fault and took every necessary step to atone for it and rectify himself. And this he did.

In the event, the worry of the committee turned out to have been well-founded, and the incident has now been broadcast by gossip and rumor, circulating usually in a highly distorted and exaggerated form. Given this situation, we are issuing this veridical account of the 1990 incident and of the GBC's manner of dealing with it.

Appended here is the conclusion of the report on Lokanath Swami submitted by CAP Behavior Associates., New York, NY, dated July 1, 1993:

"Thus, given the above detailed character and personality analyses we do not believe that Swami Lokanath suffers from any paraphiliac condition and does not pose a danger of overt sexual violence toward women and children. These findings do not negate the fact that he acted in a clearly inappropriate manner or that the girl who was a recipient of thee acts may have experienced many traumatic sequelae common to victims of sexual abuse. We believe that Lokanath's actions were not consciously planned but resulted from his own lack of any experience of the intimacy and/or sexuality and the internalized awareness of boundaries which such experiences provide. This dearth of experiential knowledge would have been compensated had Lokanath adhered strictly to the tenets of his religious beliefs about the proper boundaries to be observed by males with a females. However, Lokanath found himself in a very unique setting which evoked feelings of early family ties coupled with feelings of vulnerability due to his physical limitations and took him briefly out of his usual sense of himself as defined by his religious persona. In order to best assure that such a set of circumstances could not reoccur we strongly suggest that Swami Lokanath not allow himself to be alone with a woman or child, that he continue his religious works of service as they are absolutely necessary for maintenance of a healthy sense of himself in the world, that he not spend more than one day/night with any one family while travelling, and that he seek the on-going support of his colleagues via communications with him during his travels.

[Signed:]
Ken Cullen, C.S.W.
Christina Casals-Ariet, M.D., J.D.,
Vera Beato-Smith, Ph.D."

Appendix J

Description: Badrinarayan Swami Email Regarding Lokanatha Swami's Prospective Disciple Script, *pg. 11*

From two different emails of Badrinarayan Swami:

His disicples have all been informed and anyone he initiates is suppose to also be informed. We even wrote out an exact script so we are sure that they get a clear and standard picture.Here is the official script which is suppose to be read to prospective initiates.

Here is the script:

"In 1990 while staying at the house of a family for a few days Swami x touched a young adolesent girl in an inappropriate way by putting his hand on her lap. In 1993 when the GBC chairman became aware of the incident he appointed a 7 man committee to deal with the issue.

The committee conducted a thorough investigation which included bringing in a team of professional experts. The experts made an in depth examination of Swami x after which they concluded that this unfortunate incident hadoccurred because of the Swami x's complete lack of prior experience in the matter of dealing with women. Having learned his lesson (the need to follow the proper social conduct for a sannyasi) they were confident that this incident would not reoccur. They also stated that he had the proper nature of a spiritual leader and should be allowed to continue in this role within our society. The GBC committee concluded that this deviation from the acceptable conduct had be accidental and because Swami x was properly situated according to guru, sastra, and sadhu he was qualified to continue the service of an initiating spiritual master."

Appendix K

Description: February 2012 GBC AGM Minutes, *pg. 15*

Lokanatha Swami Discussion

Presentation of a proposal on the screen.

Amendment: Maharaja is welcome to travel outside India on invitation.

Accepted by vote 17 in favour; 2 against; 3 abstaining

Malati Devi Dasi: Can the GBC legislate non initiation in some areas. A person applied for guru in NA and he wanted only the travel and preach in India and that was not accepted and now we are doing that.

Niranjana Swami: We try to avoid being having things on the Internet. Anyone can say that I am an aspiring disciple of Lokanatha Maharaja and then the letter comes into wrong hands.

Lokanatha Swami: We want to see this thing of the past closed and I see it as a win-win proposal. This is the bodies' consensus and I will accept it.

PROPOSAL NAME: Lokanath Swami Continuing to Initiate

PROPOSED BY: GBC Special Issues Committee

SPONSORED BY (GBC member): Bhakti Caru Swami, Bir Krishna Goswami, Kavicandra Swami, Anuttama das, Devakinandana das,Dina Sarana devi dasi, Malati devi dasi, Sesa das, Tamohara das, Virabahu das

CONTACTS (email, fax, address of proposer and sponsor): tamohara.acbsp@pamho.net

DATE OF SUBMISSION: February 19, 2012

PRESENTATION OF PROPOSAL: (maximum 300 words)

Whereas, Lokanath Swami, in 1990 in America had an incident of serious indiscretion and violation of Krishna conscious principles; this incident was dealt with by the GBC at the time, and certain sanctions were imposed.

All sanctions appear to have been followed, other than the requirement of presenting a letter of explanation to potential disciples. This was followed for a number of years, and then discontinued. A resurfacing of public concern surrounding this incident has led to GBC discussions over the last two years, and a consideration whether he should be allowed to continue offering initiation, and if so, under what conditions.

Whereas, Lokanath Swami has otherwise maintained an exemplary record over the last 40 years, and has contributed substantially to ISKCON's preaching effort and this incident has been the sole blemish over his career.

Whereas, it was resolved by the ISKCON Bureau in India, that Lokanath Swami's ability to initiate greatly facilitated the preaching and leadership in his zone and throughout India.

RESOLVED: That Lokanath Swami may resume initiations under the conditions stated below:

1. There will be a two-year moratorium on initiations, which will be completed in October 2012.

2. Lokanath Swami will only initiate disciples in the sub-continent of India (India, Nepal, Bangladesh, Pakistan, Sri Lanka).

3. Initiations held will be "low key" for some time period (a minimum of 3 years), so as to not overly attract public attention.

4. A letter written by Lokanath Swami will be presented to all future disciples - see letter below--prior to their officially accepting him as their prospective guru. (The exact wording of the letter will be approved by the GBC Communication Director and the EC).

5. Lokanath Swami will present a letter within one year to all current disciples who were not informed previously. (The exact wording of the letter will be approved by the GBC Communication Director and the EC).

6. Lokanath Swami will actively encourage all his disciples, especially new disciples before initiation, to take the Disciple's Course.

8. Lokanath Swami will actively encourage other ISKCON gurus to visit his zone and give extended association to devotees in those areas.

9. Maharaja may only travel and preach outside of the Indian Subcontinent upon invitation of the RGB, or National Council in that area. Once an invitation is extended, it is valid unless it is revoked by that same RGB or National Council.

10. If during Maharaja's travels outside of India, any devotees approach him and inquire from him about initiation, he will inform them that he is not accepting disciples outside of Indian sub-continent, and encourage them to seek shelter of other ISKCON gurus.

11. Lokanath Swami will not travel to North America for a minimum of 5 years. After 5 years, either at the request of LNS or on their own initiative, the NA GBC members may lift the restriction on Maharaja's travelling in the North America (except those areas where the victim or her family members live). If they choose not to lift or adjust the restrictions, the issue may be re-examined after an additional 5 years.

12. If there are devotees outside the Indian Subcontinent who have been officially committed to take initiation from LNS and have been waiting for initiation from him; or devotees outside the Indian Subcontinent who have first initiation, they may be initiated, or take second

initiation, by Maharaja if either, a) they travel to India for an initiation ceremony, or b) sit in on an initiation by another ISKCON guru in that location.

13. Any disciple, or prospective disciple, who seeks additional information, shall be directed to a senior disciple or authority who has more knowledge of the situation to answer their questions, and the 2010 GBC/EC approved letter shall be presented for their reading.

14. Any questions that arise regarding details in the implementation of this agreement shall be decided by the GBC EC in consultation with Sesa prabhu and LNS.

EXPLANATION:

(1) What prompts you to submit this proposal?

After almost two years of discussion, there must be a final decision on this matter.

(2) Why this proposal is important for the success of ISKCON?

We must balance two important principles:

1. The GBC is responsible for maintaining standards of purity and behaviour in our leaders. We must show our commitment to child protection, as well as presenting our selves honestly to prospective disciples and new devotees.

2. On the other side, we wish to encourage devotees in their service who have dedicated many years to Srila Prabhuada, and who are strong preachers of Krishna Consciousness. Lokanatha Swami's preaching expertise and ability to make devotees is particularly needed in India.

(3) What would be the implications of implementing this proposal?

Lokanatha Swami will be fully encouraged to continue his preaching, and to be able to initiate new disciples in India. This will help the preaching and leadership in India.

Draft of letter by Lokanatha Swami

Dear Prospective Disciples.
Please accept my blessings.
All glories to Srila Prabhupada!

In my position generally as an initiating guru in ISKCON, and particularly as your prospective spiritual master, I have strived to maintain an exemplary standard. I have also tried my best to be an effective medium by which you could be connected to Srila Prabhupada and our parampara. I wish to thank you all for all the support and love you have reposed in me, and I look forward to a deepening and sweetening of our relationship.

As you may already be aware, during my preaching tour of the US in 1990, there was an incident wherein I committed a serious indiscretion. I deeply regret this incident, and I have tried to atone for it by undergoing the sanctions directed by the GBC.

If you are interested in getting more information regarding this incident, you may contact: (for instance...)

- Tukaram Das
- Krsna Keshav Das
- (to be decided)
- Audarya Dham Das
- Shyam Sakha Das

Your well-wisher,

Lokanath Swami.

(Note: Should the need arise later, we will add to the list of persons to be contacted.)

Dear Disciples,

Please accept my blessings.
All glories to Srila Prabhupada!

In my position generally as an initiating guru in ISKCON, and particularly as your spiritual master, I have strived to maintain an exemplary standard. I have also tried my best to be an effective medium by which you could be connected to Srila Prabhupada and our parampara. I wish to thank you all for all the support and love you have reposed in me over the years, and I look forward to a deepening and sweetening of our relationship.

As you may already be aware, during my preaching tour of the US in 1990, there was an incident wherein I committed a serious indiscretion. I deeply regret this incident, and have atoned for it by undergoing the sanctions directed by the GBC.

The GBC required that a letter like this be given to all my disciples and future disciples. I followed this practice carefully for nearly 8 years, and then discontinued for several reasons, although in hindsight, I should not have done so. I apologise if I have caused you any distress by stopping the practice of distributing the letter.

If you are interested in getting more information regarding this incident, you may contact: (for instance...)

- Tukaram Das – for North America and other places not mentioned below
- Krsna Keshav Das – for South Africa
- (to be decided) - for Europe
- Audarya Dham Das - for Russia
- Shyam Sakha Das - for India

Your well wisher,

Lokanath Swami.

(Note: Should the need arise later, we will add to the list of persons to be contacted.)

Final Vote on the proposal:

25 in favour 0 against and 1 abstention

Appendix L

Description: 2017 GBC Statement Regarding Lifting of Restrictions on Lokanath Swami Initiating, *pg. 16*

Lifting of Restrictions on Lokanath Swami Initiating

1. Whereas, at the 2012 GBC AGM the GBC Body passed Resolution 502 "Lokanath Swami Continuing to Initiate" that states as follows (this is the entire resolution with the exception that the specific texts of the letters referred to have been omitted here for the sake of brevity):

Whereas, Lokanath Swami, in 1990 in America had an incident of serious indiscretion and violation of Krishna conscious principles; this incident was dealt with by the GBC at the time, and certain sanctions were imposed.
All sanctions appear to have been followed, other than the requirement of presenting a letter of explanation to potential disciples. This was followed for a number of years, and then discontinued. A resurfacing of public concern surrounding this incident has led to GBC discussions over the last two years, and a consideration whether he should be allowed to continue offering initiation, and if so, under what conditions.

Whereas, Lokanath Swami has otherwise maintained an exemplary record over the last 40 years, and has contributed substantially to ISKCON's preaching effort and this incident has been the sole blemish over his career.
Whereas, it was resolved by the ISKCON Bureau in India, that Lokanath Swami's ability to initiate greatly facilitated the preaching and leadership in his zone and throughout India.

RESOLVED:
That Lokanath Swami may resume initiations under the conditions stated below:
1. There will be a two-year moratorium on initiations, which will be completed in October 2012.
2. Lokanath Swami will only initiate disciples in the sub-continent of India (India, Nepal, Bangladesh, Pakistan, Sri Lanka).
3. Initiations held will be "low key" for some time period (a minimum of 3 years), so as to not overly attract public attention.
4. A letter written by Lokanath Swami will be presented to all future disciples - see letter below--prior to their officially accepting him as their prospective guru. (The exact wording of the letter will be approved by the GBC Communication Director and the EC).
5. Lokanath Swami will present a letter within one year to all current disciples who were not informed previously. (The exact wording of the letter will be approved by the GBC Communication Director and the EC).
6. Lokanath Swami will actively encourage all his disciples, especially new disciples before initiation, to take the Disciple's Course.
8. Lokanath Swami will actively encourage other ISKCON gurus to visit his zone and give extended association to devotees in those areas.

9. Maharaja may only travel and preach outside of the Indian Subcontinent upon invitation of the RGB, or National Council in that area. Once an invitation is extended, it is valid unless it is revoked by that same RGB or National Council.
10. If during Maharaja's travels outside of India, any devotees approach him and inquire from him about initiation, he will inform them that he is not accepting disciples outside of Indian sub-continent, and encourage them to seek shelter of other ISKCON gurus.
11. Lokanath Swami will not travel to North America for a minimum of 5 years. After 5 years, either at the request of LNS or on their own initiative, the NA GBC members may lift the restriction on Maharaja's travelling in the North America (except those areas where the victim or her family members live). If they choose not to lift or adjust the restrictions, the issue may be re-examined after an additional 5 years.
12. If there are devotees outside the Indian Subcontinent who have been officially committed to take initiation from LNS and have been waiting for initiation from him; or devotees outside the Indian either, a) they travel to India for an initiation ceremony, or b) sit in on an initiation by another ISKCON guru in that location.
13. Any disciple, or prospective disciple, who seeks additional information, shall be directed to a senior disciple or authority who has more knowledge of the situation to answer their questions, and the 2010 GBC/EC approved letter shall be presented for their reading.
14. Any questions that arise regarding details in the implementation of this agreement shall be decided by the GBC EC in consultation with Sesa prabhu and LNS.

---

2. Whereas, all indications are that Lokanath Swami has complied diligently with all the terms and conditions of the said resolution.

Whereas, since Lokanath Swami is permitted to initiate in India, and he is regularly initiating there, it is not that he was declared as unfit to initiate. The restriction on his initiating was imposed geographically for circumstantial reasons. Over time, circumstances change, and periodic review is advisable. There has not been any recent negative publicity for ISKCON in the matter, and he has voluntarily agreed to avoid travelling to North America unless he is invited by the top leadership there. In any case, GBC resolution 406 of 2002 states "That the GBC Body invests the following power in the GBC Zonal Secretaries: The right to exclude any travelling preacher from his/her zone with the approval of the majority of the local temple presidents and after informing the Executive Committee of the GBC."

Whereas, a lifetime of sanctions would be disproportionate to the degree of mistake made.

Whereas, Lokanath Maharaj travels and preaches worldwide. As he is a charismatic preacher, it is natural for some devotees to seriously consider taking diksha from him. During these last five years he has been assiduously redirecting such devotees to other ISKCON gurus. However, there have been quite a few cases where the devotees have been very determined to take initiation from him. This has led to awkward and even

traumatic situations due to the geographic restrictions. And this has further led Maharaj to sometimes avoid offering needed guidance to devotees who approach him out of fear that a deep relationship may develop and lead to a further awkward situation. Maharaj is a valuable preacher for our movement and his enthusiastic and unfettered preaching should be encouraged.

RESOLVED: Therefore the GBC Body hereby states that the duration of the above-quoted resolution is deemed to have expired. In other words, Lokanath Maharaj is no longer obligated to follow the resolution. He is, of course, encouraged to follow those portions of the above-quoted resolution that he may consider appropriate to continue following, in discussions with the relevant local authorities.

Appendix M

Description: 2017 North American GBC Statement Regarding Guidelines for Lokanath Swami Visiting the United States of America, *pg. 16*

Guidelines for Lokanath Maharaja visiting the USA
October 16th, 2017

- **Status & Guidelines**

The restriction period for Lokanath Maharaja visiting North America has expired and it will not be renewed / extended. Therefore, Lokanath Maharaja is free to visit North America wherever he is invited by the local temple president and GBC.

As with other traveling preachers visiting North America, it is hoped and expected that Lokanath Maharaja will offer some annual contribution to the North American Support Office. For more information, Lokanath Maharaja should check with Kuladri prabhu (kuladridas@gmail.com)

- **Exceptions:**

a) Lokanath Maharaja should avoid the New Jersey & Philadelphia area.

b) Lokanath Maharaja should minimize his public programs in the New York City area.

c) The NA GBC will look at these exceptions in October of 2022 (in five years).

- **Explanation**

There is no substantial way to gauge if a visit by Lokanath Maharaja to New Jersey would come to the attention of the Philadelphia family. However, there are significant friendships and substantial cross-pollination between the New Jersey and Philadelphia congregations. Thus a New Jersey visit by Lokanath Maharaja would likely result in friendly invitations going to members of the Philadelphia congregation to also attend. This has the potential to trigger a reaction from the Philadelphia family.

Lokanath Maharaja participating in the NY Ratha Yatra is what triggered the family last time because the family came to know of his leading kirtan at the Ratha Yatra. Thus, it is good that Lokanath Maharaja has stopped coming to the NY Ratha Yatra.

(end)

Appendix N

Description: 2018 Child Protection Office Guidelines, *pg. 16 and 36*

ISKCON
Child Protection
Policy and Operational Guidelines

ISKCON Central Office of Child Protection

Revised and Ratified
by the
ISKCON GBC
February 2018

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Introductory Statement

The International Society for Krishna Consciousness (ISKCON) is committed to the well being of all individuals involved with ISKCON, especially children and other more vulnerable participants.

ISKCON recognizes that children, for their full and harmonious development, need to be raised in an atmosphere of love, support, guidance and understanding. ISKCON acknowledges that children, when so raised, are likely to play a vital role in the future of our Society. Thus, placing the interests of the children first is not only in the best interest of the children themselves but also of ISKCON and society at large.

ISKCON affirms that children have the need and the right to be protected, nurtured, and guided. This includes the right of all children and young people to live in an environment where they are protected from exploitation and abuse, and to actively participate in temple/devotional activities within the ISKCON community.

Thus, for ISKCON, the protection of children is paramount. All persons who associate with ISKCON should be able to trust with confidence those within ISKCON who associate with, care for, and minister to them. This principle is especially true for children. The violation of trust through abuse or harassment of children by ISKCON leadership, clergy or other personnel is a source of great pain and disturbance for those directly affected, as well as the greater Vaisnava community and society at large.

The GBC directly, through its influence within ISKCON and its participants, and particularly through the ISKCON Central Office of Child Protection (CPO), is committed to make every reasonable effort to protect children and to prevent abuse of children. Hence, the *ISKCON Child Protection Policy and Operational Guidelines* (hereafter "*Guidelines*") is meant to put in place policies that facilitate prompt and appropriate response to all allegations of abuse wherever there is a reasonable belief that abuse has occurred.

ISKCON is committed to implementing these *Guidelines* to ensure that everyone involved with children honors their responsibilities to safeguard children from harm. This can be achieved only by a clear commitment from all ISKCON participants, especially those in management, leadership and educational roles, to follow these *Guidelines*, which includes (where applicable) the duty to promptly report any concerns about children's welfare to the relevant secular authorities.

The aim of these *Guidelines* is to promote good practice and offer effective policies to provide children and young people with appropriate safety and protection whilst in ISKCON communities. The *Guidelines* are also intended to facilitate the CPO and its agents, local Child Protection Teams (CPTs), and other ISKCON authorities in making informed and confident decisions with regards to specific child protection issues, and to offer clear guidance for addressing instances of child maltreatment.

Any credible report of child maltreatment to the CPO or a CPT will be taken seriously and should receive a confidential, adequate, consistent and sensitive response.

ISKCON will comply with all obligations of both civil and ecclesiastical law. It will endeavor to prevent abuse and harassment to the fullest extent possible, provide education and guidance as appropriate, and promote healing and empowerment when needed.

No person, who has been determined to have engaged in severe maltreatment of children, will be allowed to remain active in a position of authority or trust[1] within ISKCON, this includes activities such as leading kirtan, giving class, speaking publically at any ISKCON event or representing ISKCON in official capacities. This sanction is to avert future threats to children and to the society as well as to honor and respect those who have been impacted by abuse.

Such actions violate civil and criminal laws as well as Vaisnava spiritual principles and are outside the scope of the duties, employment and engagement of all personnel. ISKCON will not tolerate any such criminal behavior. This policy applies to all temples, centers, projects and activities within ISKCON.

Balanced care will be taken to protect the rights of all parties involved, particularly any person who claims to have been abused, as well as the person against whom an allegation has been made. Should an accusation be found accurate, every reasonably possible step will be taken to protect the abused person and prevent the accused from ever again endangering any vulnerable person within ISKCON. Conversely, should an accusation be proven unfounded, every reasonable step will be taken to help protect and restore the good name of the person falsely accused.

In sum, the intention of ISKCON in offering these *Guidelines* is to promote a balanced expression of acknowledgment, support, healing and empowerment based on the underlying and unwavering principle that acts of abuse or harassment by ISKCON clergy and personnel will not be tolerated.

In support of that principle, the disclosure of alleged abusive conduct will be promptly addressed; the accused will be confronted with a view to doing justice; the alleged victim will be supported throughout this process; the accused will receive a fair hearing; all parties shall be acknowledged, respected and shown civility at every stage. If the accusation is found to be unsubstantiated it will be publicly acknowledged as such, if appropriate. If the accusation is substantiated, appropriate discipline will be instituted with the view to protect the victim and the community, and to prevent abusive behavior in the future.

[1] Position of trust or authority include any of the following:
1. Having any position of leadership within ISKCON.
2. Giving class or leading kirtan in the temple or at any ISKCON related program/festival.
3. Having any service that involves contact with children.

Overview

The CPO Policy and Operating Guidelines ("*Guidelines*") provide the ISKCON Society with information and guidance regarding expected conduct and basic ecclesiastic and legal responsibilities when interacting with children as ISKCON clergy, personnel or participants.

ISKCON leaders, Child Protection Team members, teachers, parents and others who in the normal discharge of their daily duties regularly interact with children, are required to acquaint themselves with the *Guidelines*. It is understood that these *Guidelines* will be used as a reference document, and thus sometimes only specific sections may be referenced. On this account, a degree of repetition has been allowed.

The *Guidelines* are composed of three distinct sections or areas which, taken together, create a comprehensive framework designed to address the complex set of issues involving child protection, child abuse and related intrusive behavior.

The three sections, which together comprise the framework for these *Guidelines* are as follows:
I. Abuse Reporting Standards - "*Standards*"
II. Faith, Doctrine and Internal Governance - *"Principles"*
III. Internal Review Procedures - *"Procedures"*

In order to prevent abuse, protect individuals, pursue justice, help offenders reform, and balance the rights of all parties in the process, appropriate action will be taken when any ISKCON personnel disregards or fails to comply with the expectations and behaviors defined in these *Guidelines*.

Accordingly, as a condition of all devotees' involvement, ministry and/or employment within ISKCON, they, especially those who interact with children, must be familiar and comply with these *Guidelines*, along with all other policies that apply.

These *Guidelines* provide the Society with information and guidance about expectations in regard to conduct and basic legal responsibilities of ISKCON clergy and personnel. Violation of these *Guidelines* or any other ISKCON policy is grounds for disciplinary action.

In recognition of the complexities inherent in any policy which involves and has an impact on human behavior, the intention of the ISKCON CPO is that these *Guidelines* be applied in a firm yet dynamic manner - that is, within a spirit of mature understanding and practical application, rather than inflexibly, mechanically or judgmentally.

ISKCON includes numerous independent nonprofit organizations, temples and other projects (hereafter "ISKCON centers") which are located throughout the world and operating under the guidance and ecclesiastical authority of the Governing Body Commission (GBC). Each ISKCON Center is directly impacted by National, State, Provincial, and local law requirements. It is therefore the responsibility of management personnel from each ISKCON center to understand, respect and apply, on an ongoing basis, the applicable law where they reside in relation to these guidelines.

The ISKCON CPO strongly recommends that each ISKCON center obtain independent legal advice as regards applicable legal definitions and requirements. These *Guidelines* cannot and do not substitute for a review and assessment of the secular laws, rules and regulations which may apply to a particular ISKCON center in a particular jurisdiction. The *Guidelines* are to be applied with diligence, unless application of these *Guidelines* violate or contravene local law.

Definitions

For the purposes of these *Guidelines* and *Standards*, the following definitions shall apply:

1. *Allegation* - any statement or accusation of child abuse, maltreatment or harassment.
2. *Appeals Review Panel (ARP)* - consists of three senior Review Panel members selected by the CPO Director when a Review Panel decision is appealed.
3. *Case Manager* - the person who gathers information under the direction of the CPO Director. They will often, but not always, be a local CPT member. Unless specifically directed, they do not make formal recommendations for resolving a complaint.
4. *Child Abuse* – occurs when a child has been subjected to physical, sexual, emotional or psychological maltreatment and/or neglect which has resulted, or may result in harm to the child's well-being. It may involve ongoing, repeated or persistent abuse, or arise from a single incident. [Please see Appendix I page 24 at the end of this document for detailed definitions of various types of abuse that constitute *Child Abuse*.]
5. *Child or Minor* - a person less than eighteen (18) years of age, unless otherwise defined by the jurisdiction in which the alleged abuse occurred.
6. *Clergy* – While generally clergy refers to a second initiated devotee in ISKCON, for the purposes of this document, clergy shall refer to any person who is engaged in ministry, or providing spiritual or religious service, either directly or indirectly, for an ISKCON center or authorized program in the larger temple community, such as a nama hatta home program.
7. *CPO* - refers to the International Child Protection Office of ISKCON also known as the ISKCON Central Office of Child Protection (ICOCP) and Association for the Protection of Children (APC or APVC).
8. *CPO Director* - the managerial head of the CPO, appointed by the GBC.
9. *CPO Regional Office* - generally established by Regional Governing Bodies (RGBs) of ISKCON, in consultation with the CPO Director. Regional offices and CPO Regional Directors shall operate according to these *Guidelines* under the authority of the CPO, the RGB, and the immediate direction of the CPO Director.
10. *CPT* - acronym for a local Child Protection Team, which works under the auspices and direction of the CPO, in cooperation with local ISKCON management, temple presidents, and zonal GBC's.
11. *Ecclesiastic* – of or relating to the religious organization; not secular.
12. *Intrusive Behavior* – acting or behaving in a way that is uninvited, invasive or offensive according to these Guidelines or to the subject themselves. Snooping, stalking, intruding into the privacy, aggressive behavior or harassment are some examples of intrusive behavior.
13. *Personnel* - includes but is not limited to priests, management, employees, and any volunteer involved in any ISKCON center. The term *ISKCON Personnel* as defined refers only to the applicability of these *Guidelines*, and does not necessarily or presumptively indicate any agency or employment relationship between ISKCON and the individual whose compliance is sought, nor shall ISKCON be vicariously liable for those personnel acting in contravention of any law or against the faith, doctrine and behavioral principles of ISKCON.
14. *Review Panel* - members of the Review Panel are appointed and approved by the CPO Director to assist in duties outlined in the *Guidelines*.

Standards, Principles and Procedures (Overview)

1. Abuse Reporting Standards ("Standards")

Standards are essentially the minimum requirements necessary to maintain the values of ISKCON, and for which all involved parties are responsible to understand and apply.

It is the intention of the ISKCON Child Protection Office (CPO) to support ISKCON Centers in meeting their responsibility to comply with the law. To that end, the ISKCON CPO intends to provide basic information respecting the standards necessary for compliance. However, National and State law respecting abuse varies. Thus, every ISKCON center has the duty and responsibility to understand and comply with the secular law which applies within its local jurisdiction, as well as to follow ISKCON *Guidelines*.

2. Faith, Doctrine and Internal Governance ("Principles")

In addition to the applicable minimum legal standards, 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 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.

3. Internal Review Procedures ("Procedures")

In direct support of the principles of faith, doctrine and internal governance, ISKCON, through the GBC, and as delegated to the ISKCON CPO, asserts its right and mandate to not only evaluate and make decisions regarding ISKCON clergy and personnel, but to also periodically refine the procedures necessary to make and enforce those decisions.

In this regard, the ISKCON CPO is authorized to develop and institute disciplinary policies and procedures. The GBC firmly stands by, supports and confirms the evaluations and decisions previously made and rendered by the CPO. At the same time, and in the spirit of growth and experience, the GBC has deputed the CPO to further refine its policies and procedures consistent with the mood, language and intent expressed in these *Guidelines*.

I. STANDARDS

Abuse Reporting Standards

A. Summary and Purpose These *Guidelines* provide guidance on how to respond to allegations of child abuse. They are policy standards intended to establish requirements and procedures in an effort to prevent child abuse by ISKCON clergy and personnel and the resulting harm to the victims and the Vaisnava community.

B. Distribution of Guidelines
A copy of these *Guidelines* shall be made available to all ISKCON centers.

C. Obligation to Report Abuse to Secular Authorities

1. All ISKCON clergy and personnel must comply with applicable laws regarding incidents of actual or suspected abuse of minors as directed in these *Guidelines*.

2. All ISKCON personnel who know, or have reasonable cause to suspect, that a child has been a victim of child maltreatment or abuse, shall immediately make any report required by law directly to the local law enforcement authorities or other civil authority, such as the local child protective services agency, as may be appropriate or mandated in their local jurisdiction.

3. Immediately thereafter, once a report is made to the local authorities, a report shall also be made to the local child protection team (CPT), temple president or director, and GBC zonal secretary, and where existent, regional CPO.

4. All allegations of child abuse by ISKCON clergy and personnel, or on ISKCON premises, or at an ISKCON affiliated function such as a Rathayatra event, shall also be reported promptly to the director of the CPO, or designee, through email, or if not available, by telephone and regular mail.

NOTE: The investigation of child abuse allegations normally proceeds under the auspices of local law enforcement authorities and must therefore be left to local authorities. Under no circumstances shall ISKCON management interfere in any investigation, nor shall any evidence be disturbed, moved, gathered, tested or destroyed. This is particularly applicable in those countries with a responsive legal system. ISKCON managers, personnel and participants are directed to cooperate fully with any investigation of abuse by local police or social welfare organizations.

5. In addition to the above, an individual may also be a *Mandatory Reporter*[1] under the law and have independent reporting requirements. Note that if you are a Mandatory Reporter, the failure to report abuse may subject you to serious legal action from the authorities and others.

6. If the abuse complaint is not received from or does not involve the parent or guardian of the child, arrangements should be made to immediately notify the parent or guardian. Notice should not be given to the parent or guardian if he or she is the person against whom the complaint is made or if this is contrary to local government Social Services mandated procedures. Appropriate pastoral concern and support shall also be shown to all parties involved, including the family. All information relating to a child, in which a

complaint is made against ISKCON clergy or personnel, shall be assembled in writing and given to the CPO to be retained.

7. The ISKCON center involved will also cooperate with public authorities about reporting in cases when the person alleged to have been abused is no longer a minor. In addition, the ISKCON center will support a person's right to make a report to public authorities.

8. In cases of child abuse, the ISKCON center will not enter into confidentiality agreements except for grave or substantial reasons brought forward by the alleged victim or survivor and noted in the text of the agreement. Any such proposed confidentiality agreement must first be reviewed and approved by ISKCON Legal Counsel or by the ISKCON Child Protection Office in writing.

[1] *Mandatory Reporters:* Almost every legal system mandates individuals who are legally required to report allegations and suspicions of abuse. Failure to report can result in legal action. Mandatory reporters may include (see local law): (1) physicians licensed to practice medicine, interns, residents, hospital and medical personnel, dentists, podiatrists, registered professional nurses or licensed practical nurses; (2) school teachers, school administrators, school guidance counselors, visiting teachers, school social workers, or school psychologists; (3) licensed psychologists, persons participating in internships to obtain licensing as psychologists, professional counselors, social workers, or marriage and family therapists, child-counseling personnel; (4) child welfare agency personnel (including any child-caring institution, child-placing agency, maternity home, family day-care home, group day-care home, and day-care center), child service organization personnel; (5) law enforcement personnel; (6) persons who process or produce visual or printed matter; (7) some jurisdictions include members of the clergy; and (8) some include anyone with knowledge of abuse to be a *"Mandatory Reporter."*

II. PRINCIPLES

Faith, Doctrine and Internal Governance

It is within the harmonious context of shastric principles and the instructions and personal example of His Divine Grace A. C. Bhaktivedanta Swami Prabhupada, Founder Acarya of ISKCON, and other acaryas in the Gaudiya Vaisnava tradition, that ISKCON finds both its inspiration and its aspiration. ISKCON derives and expresses its faith, doctrines, discipline and internal governance based on these transcendental sources, viz. *sadhu, sastra and guru.*

While on the one hand secular law establishes minimal standards of required conduct and behavior, on the other hand, as a matter of faith, doctrine and internal governance, ISKCON espouses, practices and mandates ethical and spiritual values and behaviors which may require greater restraint and sensitivity by ISKCON clergy and personnel. Moreover, precisely how these refined values are applied in particular environments at particular times is ISKCON's administrative prerogative based on ecclesiastical rule, custom and law.

In this context, ISKCON recognizes that there are few offenses more serious than abuse or other misconduct with a minor, especially by a member of the ISKCON clergy or other personnel. Accordingly, it is the policy of ISKCON to use every reasonable means to prevent the occurrence of abuse, to treat with utmost seriousness any allegation of abuse or misconduct and to alleviate, as far as possible, the suffering of all persons affected by abuse if an incident should occur.

To that end, ISKCON, as a matter of policy and governance, espouses and promotes the following *Principles* for ISKCON clergy and personnel, including its participants.

A. General Principles for ISKCON Clergy and Personnel

1. Actively practice the philosophy and teachings of ISKCON as presented by its Founder Acarya, His Divine Grace A.C. Bhaktivedanta Swami Prabhupada.
2. Respect the rights, dignity and worth of each person at all times; and to conduct relationships with others in a non-intrusive manner consistent with Vaisnava spiritual culture and ideals.
3. Fully and promptly meet, and comply with civil as well as ecclesiastical law obligations.
4. To the best of our ability, ensure children live in a safe environment; and to protect them from all forms of abuse, neglect and intrusive behavior.
5. Keep all information received in the course of counseling, spiritual instruction or other professional or ministerial contact in the strictest confidence (except as mandated by law, or required by ISKCON CPO internal review procedures).
6. Refrain from making false accusations against another or revealing the faults and failings of others to those who have no direct interest or legal right to the information or matter.
7. Promptly report incidents of ethical misconduct or intrusive behavior to the appropriate ISKCON authority.
8. Reach out supportively to all persons adversely affected by an incident of mistreatment or abuse and communicate sincere commitment to their spiritual, physical and emotional well-being.
9. Review, understand and abide by all child abuse regulations and reporting requirements applicable to the local civil jurisdiction.
10. Read, understand and comply with these *Guidelines*.

B. Preventative Principles

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

1. Employ appropriate screening and evaluative techniques to assure the fitness of all residents, clergy, personnel and volunteers serving in positions of trust, including CPO clearance, with a strong recommendation that criminal background check and contacting references are carried out.
2. Educate all those involved with the appointment, hiring and retention of personnel, volunteers and employees about procedures designed to prevent the exposure of children to unfit persons.
3. Require every person engaged within ISKCON to comply with and otherwise support the *Guidelines*. This includes ISKCON clergy, personnel, employees and those volunteers who are given responsibilities that regularly involve contact with children
4. Respond promptly to all allegations of abuse and harassment.
5. Comply fully with the reporting requirements of each jurisdiction, and cooperate with any investigation the civil authorities might undertake.
6. As indicated by circumstances, where appropriate, temporarily relieve from duty an accused person until the matter is fully investigated as required by these *Guidelines*.
7. With due respect for the privacy of individuals involved, deal as openly as possible under the circumstances with members of the community about the incident.

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

C. Behavioral Principles in Dealing with Children

1. A high ethical and professional standard while interacting with children must be maintained.
2. When children are being supervised by someone other than their parent or guardian it is recommended that 2 adults be present for built in accountability.
3. Physical discipline in any form for the behavior management of children is prohibited. Except in the event that reasonable and lawful restraint may become necessary to prevent a child from inflicting harm on themselves or others, in which instance a detailed written record of the incident is to be submitted within 48 hours to the local CPT, Temple President and CPO, and should be maintained on file.
4. Sexually explicit or morally inappropriate materials may not be shown, provided or made available in any way to children.
5. No mind or mood-altering substance, including alcohol, may be introduced, used or possessed while interacting with children. Unless local laws permit, no medications of any kind may be administered to a child other than with the express written permission of the parent and/or legal guardian of the child.
6. Prohibited conduct includes, but is not limited to:
   a) Sharing the same bed, van, hotel room, sleeping bag or tent with a child unless the adult is a parent, guardian or sibling;
   b) Being alone with a child who is not a member of the family in a locker room, rest room, dressing, changing or showering facility;
   c) Taking photographs of children who are unclothed or dressing, or permitting photographs by others;
   d) Verbal harassment, such as derogatory comments, jokes, or slurs;
   e) Visual harassment, such as derogatory or sexually explicit messages, notes or gestures;
   f) Sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature;
   g) Neglect or refusal of essential requirements necessary for the physical, mental and emotional well-being of a child.

III. PROCEDURES

Internal Review Procedures

Making and enforcing decisions respecting intrusive conduct and abusive behavior is a complex task which involves balancing the rights of all parties. It is neither the desire nor the intention of the ISKCON Child Protection Office to institute policies and procedures which attempt to duplicate or mimic the civil and criminal investigation and adjudication mechanisms which already function in the secular world. Rather, these *Procedures* find their genesis and resulting expression within applicable principles of faith and doctrine. Accordingly, these *Procedures* follow ecclesiastical rule, custom and law. Moreover, and along parallel lines, the ISKCON CPO has been authorized by the ISKCON GBC to develop and institute comprehensive disciplinary policies and procedures in alignment with the intent, form and language expressed in these *Guidelines*.

A. Pastoral Commitment

In addition to required reporting of any allegation of abuse to the appropriate civil authorities, when an allegation of physical, psychological or sexual abuse of a minor by any ISKCON clergy or personnel is received, the local CPT and local Temple President shall be notified immediately. A preliminary investigation in harmony with CPO procedures shall be conducted without undue delay.

The alleged abuser will be promptly notified of the investigation unless notification serves to compromise or impact review, investigation or prosecution by the secular authorities. ISKCON will cooperate fully, and be careful not to interfere with any investigation by law enforcement.

If an allegation of abuse or harassment of a minor by ISKCON clergy or personnel is initially found to have credibility, the alleged abuser may be temporarily relieved of any ecclesiastical ministry or function, in harmony with ISKCON principles.

Findings Contrary to Allegation: Should the accused be found not guilty by secular authority, and the CPO Director or a CPO Review Panel determines that the person in question has not violated ISKCON's standards of required behavior; attempts will be made to restore the position and reputation of the accused. If the allegations have become public knowledge, the ISKCON CPO shall publicize the innocence of the accused in an appropriate forum.

B. Victim Assistance

ISKCON and its CPO are concerned for the spiritual, physical and emotional well-being of alleged victims and are committed to promote healing, reconciliation and empowerment. This includes reaching out supportively to victims and to all other persons adversely affected by an abuse incident to communicate sincere commitment to their spiritual, physical and emotional well-being. As far as possible, appropriate counseling, spiritual assistance, and access to support resources and other services should be provided.

C. CPO Review Panels

1. Purpose

To assist the ISKCON CPO in implementation of these *Guidelines*, Review Panels that function as confidential consultative and advisory bodies will be established by the CPO.

2. Membership

The Review Panels will be composed of three individuals of outstanding integrity and good judgment, and who have had training in the recognition and response to the abuse of minors. The members will be approved and appointed (and may be removed) by the CPO Director.

3. Qualifications, Challenges and Replacement of a Review Panel Member

a) Each Review Panel Member shall be independent and impartial.
b) By accepting appointment, each Review Panel Member shall be deemed to be bound by these rules and any modification agreed to by the parties.
c) A Review Panel Member shall promptly disclose in writing to the CPO Director, any circumstances that might cause doubt regarding the Review Panel 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 counsel.
d) A Review Panel Member may be challenged by either party if circumstances exist or arise, that give rise to justifiable doubt regarding the Review Panel Member's independence or impartiality. The outcome of a challenge shall be decided by the CPO Director.
e) In the event of death, resignation or successful challenge of a Review Panel Member, a substitute Review Panel Member shall be selected by the CPO Director.
f) In the event that the Review Panel Member fails to act, or in the event the CPO Director determines that a member of the review panel is de jure or de facto prevented from duly performing the functions of a Review Panel Member, the CPO Director shall select a replacement.
g) If a Review Panel Member is replaced, the CPO Director shall decide the extent to which any hearings held previously shall be repeated.

4. Functions

The functions of the Review Panels include:

a) Conducting a thorough assessment of allegations of abuse or neglect of minors pertaining to CPO jurisdiction.
b) Determining the suitability of the alleged abuser to continue having any position or involvement with ISKCON.
c) Determining any requirements or restrictions as may be necessary or appropriate.

Communications Policy

Within the context of respect for the privacy and the reputation of the individuals involved the CPO will deal as openly as possible with members of the community. This is especially so with regard to assisting and supporting Vaisnava communities directly affected by alleged ministerial misconduct involving minors.

All information received by the Review Panel shall be considered confidential and shall not be revealed by any member of the Review Panel, except to ISKCON Legal Counsel, other members of the Review Panel, the CPO Director and Case Manager, and on occasion the CPO Advisory Panel, unless compelled by law.

Removing ISKCON Clergy or Personnel

Nothing here shall be construed to preclude any legally formed ISKCON entity, per their own standards of operation, and in consultation with the ISKCON Child Protection Office, from temporarily or permanently removing ISKCON clergy or personnel upon notification of an allegation, either pending or after the Review Board's completion of its proceedings.

Implementation of Policies

The ISKCON CPO has developed its own specific procedures for implementing the policies detailed in accordance with the guidelines of this document. Any one alleged to be responsible for intrusive behavior contrary to these guidelines will receive a fair and impartial review.

The CPO must receive final approval for any major procedural changes from the ISKCON International Governing Body Commission (GBC).

IV. SPECIFIC PROCEDURES OF THE CPO REVIEW PANELS

A. Principles

As stated above, it is neither the desire nor the intention of the ISKCON Child Protection Office to institute policies and procedures which attempt to duplicate or mimic the civil and criminal investigation and adjudication mechanisms which already function in the secular world. Rather, these *Procedures* find their genesis and resulting expression within applicable principles of faith and doctrine. Accordingly, these *Procedures* follow ecclesiastical rule, custom and law, rather than criminal or civil procedures.

In some instances, cases of child maltreatment (neglect, sexual, physical, and psychological abuse) will have already gone through local legal systems. In other instances a Review Panel may need to conduct its own examination of allegations as it pertains to ISKCON. These procedures are an internal review mechanism in line with ISKCON's administrative prerogative to enforce behavioral guidelines consistent with fairness and other Vaisnava principles. As such, broad latitude is given to the review panel's decisions as how to weigh evidence and make decisions.

As conditions for an individual's ongoing relationship with the ISKCON institution, Review Panels may also propose requirements and restrictions as may be necessary or appropriate. In all cases, findings of the Review Panels are ecclesiastic decisions that only pertain to the devotee's suitability to continue as ISKCON clergy, other position, or their future relationship with the ISKCON organization.

B. Jurisdiction

1. Degree of offenses dealt with by the CPO Review Panels

There are different categories of child abuse allegations, with a range of severity. Less severe offenses should be handled at the local level, by the local CPT. [1] More severe instances of child abuse allegations may be subject to a CPO Review Panel (*If consistent with further jurisdictional requirements described in the following section IV.B.2*). However, local CPTs must consult with the CPO, for questions on how to best handle an incident. In all cases, nonetheless, the CPO should be informed of all complaints received by any ISKCON leader or CPT.

[1] Examples of *less severe offenses* would include:
a) Neglect that doesn't result in serious injury requiring hospitalization/medical attention or cause lasting psychological or physical damage.
b) Isolated, non-chronic event of physical punishment that did not result in injury.
c) One time isolated incidents of psychological abuse that did not result in any long term trauma to the child.

2. Circumstances warranting review by CPO Panels

Generally, the CPO system of review pertains to ISKCON clergy or personnel engaged in behavior contrary to principles established in this document. The jurisdiction of the CPO extends to where the alleged perpetrator of child maltreatment is (or was at the time of the alleged incident) an ISKCON clergy, staff member, or other personnel, including resident or trusted volunteer, and/or the incident occurred at an ISKCON temple, project or function.

As stated in the *Standards for Reporting* (Please see Section I. C. 3 page 8), it is the duty of the management of all ISKCON temples and projects "who know, or have reasonable cause to suspect, that a child has been a victim of child maltreatment, to immediately make any report required by law directly to the local law enforcement authorities or other authority, such as the local child protective services agency, as may be appropriate in their jurisdiction." These cases should then be decided by the local criminal and civil authorities. Those found guilty in a court of law will be subject to restriction as outlined below.

However, there are situations when ISKCON is unable to avail themselves of decisions by the local legal systems. This may occur for any number of situations, such as a country may not have a responsive legal system, the case is beyond the local statute of limitations, or other reasons. The decision to constitute a Review Panel in other situations would be decided by the Child Protection Office on a case-by-case basis. The case then will be processed according to the procedures outlined in Section IV. C. page 16.

3. Special Circumstances

a. Cases decided by the legal system

In certain cases, individuals involved with ISKCON have been found guilty of child abuse in criminal courts. These cases may or may not have involved ISKCON temples and projects. Nevertheless, the individuals, even if now taking up or currently engaging in the process of devotional service, may still constitute a threat to our children, or 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 a Child Protection Office Panel Review. Those who have been convicted, or found guilty, of sexual or physical child abuse 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.
iv. They cannot engage in service involving children.
v. They cannot be present at a temple if their victim(s) are also present (without the victim's uncoerced consent).

The Director of the ISKCON Central Office of Child Protection 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 restriction to the above standards would require review from the CPO Office.

A temple is free to totally restrict an abuser from the temple if they so choose.[2]

b. Allegations of child abuse within the congregation

Some allegations of child abuse occur within the congregation; in other words, the alleged abuse did not occur on ISKCON property or at an ISKCON temple or project, nor was the abuse committed by an ISKCON clergy, officer, or employee. In these situations, the Child Protection Office does NOT have jurisdiction to refer the case to a CPO Review Panel. Rather, the CPO will act in a consultative manner with the local temple and congregation.

The local authorities, along with the local Child Protection Team, should be encouraged to:

i. Report, or have reported, the abuse to local civil authorities as appropriate and indicated in the above *Standards (page 8)*.
ii. Offer support and counsel to the victim of abuse and their family.
iii. Report the incident to the CPO.
iv. Take precautionary measures that are required and prudent to the local situation such as ensuring other children are not affected and reducing any further impact on the community where possible.

Notwithstanding the above, in certain cases, upon the request of the local Temple President and GBC representative, the CPO may accept a specific case beyond these jurisdictional limits. This would apply, for example, in cases where a congregational member is highly active or well known in the community, or the allegations involve a person who previously served in a highly active or visible role.

It should be noted that as private non-profit organizations, any ISKCON center is free to limit or restrict access to its facilities as it sees appropriate.

Anyone in knowledge of someone interacting with ISKCON who has a criminal child abuse history should report such information to the CPO as well as their local CPT and/or temple management.

C. CPO and Review Panel Process

The procedures for bringing an allegation to the Review Panel and the functioning of that Panel shall be based on the concept of providing a fair and impartial hearing within our ecclesiastic principles. Generally, the process will be as follows:

1. An allegation or situation is brought to the attention of the CPT by parents, victim(s), local temple authorities, individual members of the community or others.

2. The local CPT and/or Regional CPO, or if neither is active, temple authorities, will typically examine the issues and allegations. Where there are convincing indications suggesting that abuse has occurred, the CPO Director will be consulted for advice and guidance.

[2] B.3.a. is GBC Resolution – 2006 #407

3. Notwithstanding 2 above, all complaints being dealt with by the local CPT and /or Regional CPO shall be communicated to the CPO.

4. After evaluating the nature of the allegations, the CPO Director will decide whether this situation falls within the jurisdiction of a CPO Review. If the concerns are sufficient to initiate further investigation, a Case Manager will be assigned by the Director to conduct an investigation.

5. When the investigation is concluded, the CPO Director, in consultation with the Case Manager, will decide if there is sufficient information, such that a Review Panel should be convened to consider the allegations.

6. Where sufficient resources and personnel are in place, the CPO Director should be minimally involved in the investigation of any case, and allow the investigation to be conducted by the Case Manager and/or local CPT.

7. After selecting three Review Panel members, the CPO Director will have all pertinent information submitted to the Review Panel for their deliberation.

8. Prior to a decision being made by the Review Panel, short term and interim restrictions may be placed on the person involved by the International CPO Director in consultation with the Regional CPO Director/CPT.

D. Convening a Review Panel

The CPO Director shall assign three members to each Review Panel. Panelists shall be chosen from a list of devotees that have undergone training in the recognition and response to the abuse of minors in understanding child abuse, evaluating evidence, and the psychology of abusers and victims.

Any panelist with personal familiarity or knowledge of either the accused or the victim, such that it would prevent them from an impartial decision, must recuse themselves from the panel.

E. Conducting the Review

1. Within the general guidelines of providing a fair and impartial hearing, the Panel may conduct the review in such manner as they shall deem appropriate. The Panel members, assisted by the CPO Case Manager, shall be responsible for the organization and arrangements of the Review and when necessary, may avail of the assistance of the CPO Director, CPT, zonal GBC member, and Temple President.

2. Any devotee subject to a Review will be notified of the nature of those allegations of conduct contrary to Vaisnava principles.

3. The parties may be represented or assisted by a person of their choice.

4. The devotee being reviewed will be shown all statements or information regarding their behavior, and have an opportunity to give any written reply, statement or additional information that they wish.

5. Whatever information, statements, documents and rebuttals provided by the devotee being reviewed shall be copied and provided to the alleged victim(s). The alleged victim(s) shall then have the opportunity to respond and present additional information in effect, a second time.

6. If additional information is so submitted, those comments, statements and documents shall be forwarded to the devotee being reviewed. 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.

7. The Review Panel will be presented with all information. Additionally, they may ask for additional information from the CPO Case Manager, which will be provided if possible and practical.

8. The CPO may be used as a resource, for information regarding procedures, general child protection and abuse information, or requests for additional information. The Office will also monitor and facilitate the deliberations of the Panel.
   The Review may be handled in person, by email, video conference, and/or telephone, or other means chosen, depending on the proximity of those involved and practical considerations.

9. The proceedings should be carried out in an expeditious manner, without undue delay, ideally, while respecting the integrity of the review, within 90 days.

10. Some latitude is given in the presentation and evaluation of evidence, as deemed appropriate by the Review Panel. Different types of evidence include, but are not limited to, written testimonies, reports from local CPT's, interviews with the victim and accused, statements of witnesses, character witnesses, reports from civil and legal authorities, and psychological assessments.

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

F. Review Panel Decision and Recommendation

1. After considering all evidence, the Review Panel will come to a conclusion regarding the responsibility of the alleged abuser in question. A decision to find the alleged offender responsible for the allegations must be a unanimous decision of the Panel.

   Standard of Evidence: 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 Panel, so that inappropriate behavior may not be shielded by an inordinate standard of proof. At the same time, the internal review process should be fair to all sides. Therefore, the Review Panel 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 there is not a unanimous decision, a second Review Panel, comprised of three different Panelists will be convened for a new review. If the second Panel cannot arrive at a unanimous decision, then the CPO Director will close the case. If new victims or new information comes forward in the future a new review can be opened per these Guidelines and the decision of the CPO Director.

3. The Decision of the Review Panel shall be final and any restrictions will begin immediately. There is a process of appeal outlined below. (See section IV. I. 5 page 21)

4. Restrictions may be set by the Review Panel, in consultation with the CPO Director, depending on severity and frequency of the offense. Where serious abuse has been admitted or established, the minimum sanction to be enforced will be a lifelong ban from working with children and from holding positions of leadership within ISKCON. A range of restrictions, including time limitations, is possible, particularly with cases of less severe abuse. *Further considerations are outlined below (see section IV. J page21).*

5. Some cases of abuse may be of such severity, that the Panel may decide that the offender may not associate with ISKCON in any manner. *Refer to the policy on very severe cases of abuse (see section IV. J. 2. b. page 22).*

6. In some rare instances, the CPO 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 CPO Director and the original Review Panel. In the event that any of the original Review Panel members are not available, the CPO Director may appoint new Panel Members.

G. Written Decisions

The Review Panel, after arriving at its decision, will write an Official Decision on the case. The CPO 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 abuser has acted contrary to the principles and behavior of Vaisnavism. It shall thus present the findings of the Panel, and clearly state any Restrictions, Requirements, and Recommendations it deems appropriate.

H. Distribution of Decisions

A Review Panel Decision and any restrictions shall be released at the discretion of the CPO. All immediately concerned parties will be provided with the written decision, including the local ISKCON authority (Temple President), CPT, spiritual master (if any) and local GBC. If present, the Regional CPO Director will be provided a copy first in the event preparations need to be made for the implementation of the decision and to ensure the Regional Director is able to read through before receiving communication from other parties.

The CPO will serve as the clearinghouse for all legitimate screening requests regarding CPO and Review Panel decisions, from authorized ISKCON centers. It is understood that ISKCON leaders and those in position of responsibility will need access to Review Panel decisions on a regular and updated basis.

I. Additional Policies

1. Confidentiality

All parties involved and the Review Panel shall treat the review proceedings and any related information as confidential, unless otherwise required by law, or where doing so could jeopardize the safety of children.

The CPO will make all reasonable efforts to respect any request for anonymity by confirmed victims.

2. Application of Decisions Throughout ISKCON

Requirements or restrictions determined by the Review Panel cannot be reduced by a local community, temple president, or local GBC. The decision of the panel constitutes the minimum restrictions that an ISKCON organization or community may place on a devotee. Any specific ISKCON organization may choose to invoke more stringent restrictions. However, it is expected that all ISKCON entities will carefully consider these decisions of the Review Panel before imposing more stringent limitations, as the constraints prescribed herein are deemed to be sufficient with regards to child protection.

3. Statute of Limitations

There is no statute of limitations within the CPO system.

4. Double Jeopardy

A person can be brought before a Review Panel only once, (with the exception of a failure of a Review Panel to reach a unanimous decision, as explained above) for alleged abuse against a particular individual. However, if new victims come forward, the Director of the Central Child Protection Office can open a new case and initiate a new review.

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

5. Appeals Process

Anyone found responsible for behavior contrary to Vaisnava principles, or a victim of such alleged behavior who was not satisfied by the decision of a CPO Review Panel may appeal that decision. The following procedure will apply:

1) An appeal must be made within 60 days of receipt of the decision. The devotee making the request shall submit their reasons for asking for an appeal in writing, to the CPO Director.

2) An appeal will be presented by the CPO Director to the CPO Appeal Review Panel (ARP). The ARP will consist of three senior Review Panel members, who have not served on the first Panel, and are selected by the CPO Director.

3) The ARP will first decide on the merit of an appeal. An appeal may be granted by the ARP only if:
    a. Procedures used in the original Review prevented a fair and impartial hearing, or
    b. There is new and compelling additional evidence.

4) If the ARP unanimously decides that there is sufficient reason to grant an appeal, they will review the case again, and write a new decision.

5) All restrictions imposed by the original Review Panel remain in place during the appeal, unless the ARP, at their sole and unanimous discretion, reduce or set aside restrictions during the process of appeal.

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

J. Further Considerations on Restrictions, Requirements, and Recommendations

1. Jurisdiction and Scope of Review Panel Decisions Limited to ISKCON

Review Panels 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 children within ISKCON 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.

2. Restrictions

a. Serious cases of abuse

For offensive acts of abuse which are admitted or established, depending on the severity of abuse, a wide variety of discipline may be considered and implemented. Besides (1) restrictions on any future leadership positions, other restrictions may include some or all of the following: (2) suspension from certain activities for stated time periods; (3) expulsion from a particular ISKCON center, community, or communities; (4) requirements for education or counseling leading to an assessment of trustworthiness; (5) where appropriate, adequate apology and or restitution to the victim(s); (6) completion of a program designed to change the intrusive behavior; (7) counseling with a therapist with the appropriate credentials as mandated by the CPO; and (8) any other discipline, program or counseling which serves to protect the victim and community, discipline and correct the offender and prevent future intrusive behavior.

Additional restrictions may be placed at the discretion of the Panel, consistent with the *Principles* and *Standards* enunciated in this document.

b. Very severe cases of abuse –

Some incidents of child abuse are of such severity that the Panels' decision would be to invoke the strongest decision. In other words, the abuser would not be allowed to visit any ISKCON property, attend ISKCON functions, or have any contact with ISKCON properties or functions of organizations affiliated with ISKCON for the remainder of their lifetime.

Cases that would be eligible for the strongest decision include serious sexual or physical abuse where the evidence is clear and persuasive. Considerations in determining "serious sexual abuse" would include evidence of some of the following elements: The sexual abuse includes instances where violence, force, or the threat of violence is used; the sexual act itself is of a very invasive nature, the acts are repeated, and where there is great physical or psychological distress experienced by the victim.

Serious physical abuse would include some of the following elements: The act is of a very violent nature, there is long-term physical harm to the victim, the acts are repeated, and there is great physical or psychological distress to the victim. [3]

c. Less severe cases of abuse

In instances of less severe case of abuse, the Panel may modify select restrictions as appropriate. This may include time limitations on restrictions, application of only certain restrictions, limiting restrictions to certain temples or areas, or other decisions that the Panel deems appropriate.

3. Requirements

Additionally, the Review Panel may set Requirements that must be met, in order for the devotee to continue their relationship with ISKCON. Requirements should be written simply and clearly, should be reasonably do-able, and meant to accomplish a purpose. Examples of requirements might include writing a letter of apology, undergoing a risk evaluation[4], undergoing professional counseling or monetary restitution to a victim[5]. Requirements, in the mood of "restorative justice,"[6] should first and foremost consider the needs and wishes of the victim.

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[3] Section J. 2. b. is a GBC Law, GBC Resolution – 2005 #410

[4] The Panel should bear in mind that psychological risk evaluations are expensive, and it is difficult to find qualified professionals in developing countries. Therefore, this should be required only where it serves a clear need.

[5] It is essential to consider the wishes of the victim(s), as receiving such money directly from the aggressor may be a source of further trauma.

[6] An approach to justice that focuses on the needs of the victim and the offenders, as well as the involved community, instead of satisfying abstract legal principles or punishing the offender. Victims take an active role in the process, while offenders are encouraged to take responsibility for their actions, "to repair the harm they've done—by apologizing, returning stolen money, or community service". In addition, it provides help for the offender in order to avoid future offences. It is based on a theory of justice that considers crime and wrongdoing to be an offence against an individual or community, rather than the state. Restorative justice that fosters dialogue between victim and offender shows the highest rates of victim satisfaction and offender accountability

4. **Recommendations**

After reviewing the case and coming to its decision, the Review Panel may also present non-binding recommendations to any and all parties concerned. These recommendations are meant to help guide the parties toward better standards of child protection, more functional processes of dealing with the current situation, and personal spiritual advancement.

Feedback from Investigation and Review Proceedings

In its efforts to serve the Society more effectively, the CPO will invite and consider all feedback and concerns that it receives from ISKCON leaders, clergy, personnel, other participants in ISKCON, and those who have made use of the CPO processes. Written feedback shall also be made available to the Advisory Board for their input and consideration.

APPENDIX I - DEFINITIONS OF TYPES OF ABUSE

Note: (Some portions of this section use graphic terms. While we regret this, they are necessary for clear definitions.)

A. CHILD MALTREATMENT

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

2. Maltreatment definition- A broad range of mistreatment of children including neglect, physical abuse, sexual abuse, and psychological/ emotional abuse.

In some countries, the legal definition may be stricter than that of these Guidelines. In such a circumstance, ISKCON abides by the local legal codes. In a country where the definition or laws of child abuse are less strict ISKCON abides by the standards in these Guidelines.

B. TYPES OF CHILD MALTREATMENT

1. **NEGLECT**- An act of omission (failure to do) where the parent or caretaker fails to provide for the child's basic needs and proper level of care to support the child's health or development. It is important to distinguish between willful neglect and a parents or caretakers only being able to provide a reduced standard of life due to poverty or cultural norms.

   Types of neglect include:

   a) PROTECTION- Failure to provide an environment where the child is safe from harm. Example: Headmaster fails to protect child even though the child has informed the headmaster that he is being physically or sexually abused by older boys and staff.

   b) FOOD- failure to provide an adequate diet and sufficient food/ prasadam. Example: child is forced to eat old rotten food/prasadam or child is given portions too small to satisfy their hunger.

   c) CLOTHING- failure to provide clothing adequate for the season. Example: Child is given no socks or sweater in wintertime.

   d) SHELTER- failure to provide a clean, hazard free place to live. Example: House has garbage and excrement on the floor, exposed wires, insect and rodent infested.

   e) MEDICAL- refusal or delay in seeking necessary medical care Example: Infant has chronic diarrhea and is not brought for treatment; teenage son is found to be sexually abusing other boys and the parents refuse to bring their son for an adolescent sex offender assessment and treatment.

   f) HYGIENE- failure to keep the child clean, tidy, and bathed. Example: Child's hair is dirty, matted; clothes are dirty, child looks disheveled, child smells.

g) SUPERVISION- failure to watch the child appropriate to the child's developmental abilities to ensure his/her own safety.
Example: Dropping a young child off at the temple without insuring designated adult supervision for them; parents repeatedly leave a 5-year-old child alone sleeping while they go out; parent lets 3 year old run around temple parking lot unsupervised.

h) EDUCATION- permitting chronic truancy, failure to enroll or provide home-schooling (where legally permissible) to a child of mandatory school age; inattention to a special educational need.
Example: An 8-year-old child receives no schooling whatsoever; a teacher is responsible to educate children at a certain level but does not provide adequate education.

i) EMOTIONAL- failure to provide a climate that emotionally nourishes the child.
Example: Child repeatedly sees her father beat up her mother; parent abuses alcohol or drugs; has sex in front of the child or expose the child to pornography.

2. **PHYSICAL ABUSE**- An act of commission (perpetration) by the parent or caretaker where the child is physically injured. Marks such as bruises, welts, lacerations, or burns, etc. may be visible though not always. Such an injury is not an accident. It may be intentional or the result of an unrestrained or overzealous attempt to discipline the child, and the parent or adult may or may not have intended to hurt the child. The presence of an unexplained injury, scars, bruises, or instances where the explanation provided is inconsistent with the injury suffered are strong indicators of abuse.

In a sports situation, physical abuse may occur when the nature and intensity of training disregards the capacity of the child's immature and growing body.

Forms of physical abuse include:
Hitting, punching, beating, shaking, whipping, caning, burning, slapping, biting, kicking, ear twisting, shoving, scalding, suffocating, drowning, throwing, poisoning, and giving alcohol or drugs.

Example: A student is whipped with a cane and red welts are visible; a parent slaps a child so hard across the face that marks appear in the shape of a hand; an infant is shaken so hard that brain damage occurs; a mother spanks an 11 month old.

Corporal punishment can also be considered abusive if, although no single incident leaves a mark or results in an injury, the frequent and chronic use of such has a deleterious cumulative effect. (In a recently published study on spanking, researchers found that the more frequently spanking was used as a method of punishment [three or more times per week], the more antisocial behaviors the child developed.)

Example: A child is spanked for minor infractions, several times a week

3. **SEXUAL ABUSE** occurs when perpetrators (male or female) use a child to meet their own sexual needs. It is 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, verbal, or non-verbal. The other person could be either an adult, an adolescent (12-17 years of age), or in extreme cases, 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 and exploit the victim.

Forms of sexual abuse include:
a) Voyeurism ("Peeping Tom"); b) Exhibitionism (flashing); c) Taking, storing, or viewing pornographic pictures or video of a child; d) Having the child watch while the perpetrator masturbates; e) Forced masturbation; f) Kissing; g) Fondling; h) Digital/object penetration of vagina and/or anus; i) Oral sex; j) Sodomy; k) Intercourse

Examples: A 14-year-old boy badgers (verbally coerces) his 13-year-old male friend into anal sodomy by repeatedly calling him a sissy; an ashram teacher fondles a boy's genital while tucking him in; a father engages in any sexual activity with his daughter; an aunt has a 9-year-old nephew suckle her breast.

Sexual activities may also include non-contact activities, e.g. involving children in looking at/ production of sexual images; watching sexual activities; or encouraging children to behave in sexually inappropriate ways. This may include the use of photographs, pictures, cartoons, literature or sound recordings, e.g.: the internet, books and magazines.

> *Note: There is a continuum of sexual behaviors in children ranging from the normal to the abnormal and there are distinct phases of normal psychosexual behaviors.* Although ISKCON does not advocate any form of sexual interactions outside of marriage, it is recognized that most children below 18 years of age have some degree of developmentally normal sexual curiosity. Allowances need to be made for innocent activities or natural stages of sexual development or experimentation in children, and clearly marking the distinction in cases of abuse and exploitation. The age difference of the children involved is a significant factor to help differentiate.

4. **SEXUAL HARASSMENT** (for ISKCON Child Protection purposes) is defined as any form of sexual attention from an adult or older/more powerful youth to a child, whether welcome or not. Such conduct creates an intimidating, hostile, and offensive environment.

   Sexual harassment, as defined above, may include, but is not limited to the following:
   a) Sexual advances; b) Requests for sexual favors; c) Verbal harassment or abuse; d) Pressure/coercion for sexual activity; e) Repeated remarks to a person with sexual or demeaning implications; f) Unwelcome or inappropriate touching; g) Suggesting or demanding sexual involvement accompanied by implied or explicit threats; h) other inappropriate oral, written or physical communication or contact of a sexual nature.

   Example: a) A male devotee pats a young girl in an inappropriate place, or frequently puts his arm around the shoulder of a young teenage brahmacarini; b) a brahmacari repeatedly taunts and denigrates a young girl, calling her a "Maya devi", "prostitute", or worse.

These offenses could initially be categorized as less severe and handled accordingly. If they continue or are of a more severe nature, or are an effort in "grooming", then they may be categorized as more severe offenses.

5. **PSYCHOLOGICAL / EMOTIONAL ABUSE** is the persistent emotional ill-treatment of a child such as to cause severe and lasting adverse effects on the child's emotional development. It is a repeated pattern of behavior that conveys to the child that they are worthless, flawed, unwanted, unloved, or only of value to meet another person's needs. This verbal battering seriously erodes and damages the child's self-esteem and sense of worth as a person.

Forms of Emotional/Psychological Abuse

a) SPURNING- hostile, rejecting humiliating parent/caretaker acts that degrade the child.
Example: "You no good rotten kid, you'll never amount to anything, you're stupid, ugly, clumsy. I wish I never gave birth to you!" Or making the child who had an "accident" wear their urine-soaked underwear on their head while inviting other children to mock them; forcing a child to cross dress while having other children jeer.

b) TERRORIZING- Acting in such a way that leads the child to believe that s/he may be hurt, killed or abandoned; causing a young person to be frightened or in danger by being constantly shouted at, threatened or taunted, using actions or words that suggest placing the child or his/her family in a dangerous situation.
Example: Killing a child's pet in front of them intentionally to instill fear and gain compliance; locking a child screaming in a dark closet or cupboard; randomly picking out a child from a line and hitting them for no apparent reason other than to instill fear.

c) CORRUPTING- acts that encourage the child in criminal, antisocial behaviors.
Example: Taking a child shoplifting to teach them how to cheat or break the law; teaching them or allowing them to be used for begging; giving a child drugs or alcohol.

d) DENYING EMOTIONAL RESPONSIVENESS- ignoring the child's need for love and affection.
Example: Chronically being cold and aloof to the child; providing only concrete needs while treating the child as an object, and not a person; no warmth or affection.

e) Imposing developmentally inappropriate expectations such as interactions beyond the child's developmental capability, overprotection, limitation of exploration and learning, preventing the child from participation in normal social interactions.

Note: These guidelines do not exempt one from observing local laws. For example, in Sweden corporal punishment of any kind is against the law. Our parents, guardians, and care providers are expected to be aware of and observe local laws.

APPENDIX II – ADOLESCENT OFFENDERS

One fourth to one third of all sex offenses involve teenage offenders. Adult offenders who were interviewed retrospectively have shown that the average age at which offenders begin their deviant acts is fourteen. One third of victims who were sexually abused will unfortunately go on to abuse others. It is very important to try to break the cycle of offense. While abusive behavior must be ended and victims supported, effort toward rehabilitation and counseling should be at the core of any decision. Thus, young abusers should also be seen as victims, and handled somewhat differently than adults. This is done primarily through attempts to rectify and rehabilitate the behavior.

A local CPT and the CPO should establish a mood of compassion in dealing with these cases, yet clearly maintain the necessity for protective intervention for both the victim and the offender. All good faith efforts to avoid stigmatization should be made. The families of the victim and the abuser will both need community support.

Extreme care and sensitivity may be required when dealing with parents of young offenders, as these incidents are likely to affect them almost as much as the parents of the victims. In the event that a parent/guardian is uncooperative or undermines enquiries, it remains the responsibility of the CPT and CPO to ensure that no child is left in immediate danger, that allegations are pursued appropriately, and that the CPO is notified of the report.

APPENDIX III - ROLE AND DUTIES OF THE ISKCON CENTRAL OFFICE OF CHILD PROTECTION (CPO)

Individuals who have been found responsible for child abuse will not be allowed to serve as CPO Director, Regional Director, Review Panel Member, CPT member, Advisory Panel member or other staff position.

A. The CPO will serve a number of functions:

1. To raise awareness and disseminate information about child protection.
2. To coordinate review of abuse allegations.
3. To keep all records and files for use in screening, etc., and share with appropriate ISKCON leaders, according to policies outlined in these Guidelines.
4. To organize seminars and training on child protection and abuse prevention for ISKCON leaders, teachers, personnel and members.
5. To conduct inquiries to ascertain whether screening procedures are in place, and report the result of such to the appropriate ISKCON authorities and the GBC.
6. To monitor and train local temple child protections teams (CPT).
7. To train and coordinate regional/ satellite child protection offices.
8. To help coordinate service opportunities, support, and special programs for abuse victims/survivors where possible.

B. Requirements for Executive Director:

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 the importance of child protection and the impact of abuse, high moral standards and character. Has education and experience in the field of child abuse prevention, response, counseling, advocacy and/or law. Ideally available to serve full time. Willing to accept some international travel.

C. Duties of Executive Director (Central office):

1. Establish and monitor regional (satellite) offices.
2. Prepare training and reference materials appropriate for different audiences, such as GBCs, TPs, school staff, local Child Protection Teams, ("CPTs"), children and parents.
3. Supervise and direct other CPO staff and volunteer members.
4. Establish or update existing screening processes for ISKCON.
5. Organize training seminars for ISKCON leaders, schools, parents, etc…
6. Counsel local CPTs and regional offices as needed.
7. Help coordinate counseling for confirmed victims, whenever possible.
8. Coordinate and oversee review system for cases of alleged abuse, including selection of Review Panel Members.
9. Coordinate staffing of and training for that Review System.
10. Interface with ISKCON leadership; attend annual GBC meetings, etc.

D. Duties of Central Office Personnel:

1. Keep copies of all permanent records.
2. Help compile and update list of devotee health care professionals willing to volunteer their time for counseling or to work with victims to find local care.
3. Maintain files and list of past cases and Review Panel decisions. Provide information to ISKCON authorities as appropriate and consistent with confidentiality policies.
4. Screening: The central office will develop systems and policies for hiring/ screening throughout ISKCON (who stays in our ashrams, works for us, teaches in our schools, and becomes an initiated disciple). Such screening will be mandatory for all ISKCON centers, educational projects, etc.

Allegations Against CPO Staff or CPT Members

In the event of complaints of mishandling of a case by CPT members or CPO staff, the matter should be reported to the CPO Director who will conduct an inquiry, if s/he deems necessary. Where complaints pertain to the CPO Director, the issue should be presented to the CPO Advisory Panel, and if they choose, it may be referred to the GBC Executive Committee.

If allegations of child abuse are lodged against CPO staff or CPT members they need to be reported directly to the CPO Director who, in consultation with the Advisory Panel, will institute an investigation in the usual manner.

If allegations of abuse emerge against the CPO Director, the local CPT or ISKCON authorities will refer the matter to the GBC Executive Committee, who will consult with the CPO Advisory Panel as to the appropriate action.

E. Advisory Panel

Members of the Advisory Panel should have training and experience in child protection and the recognition and handling of abuse to minors. Members shall be appointed by the CPO Director, in consultation with the GBC Executive Committee, for a three-year term. Additional terms will be by invitation of the CPO Director.

The functions of the *Advisory Panel* include:

1. Promoting awareness and understanding of the importance of child protection in ISKCON.
2. To act as an advisory body to the CPO Director.
3. To review and offer advice on proposed amendments to the CPO Policy and Operational Guidelines, and other policies as requested by the Director.
4. To review any written feedback or complaints about the CPO and to provide advice how to address such issues.

APPENDIX IV
Child Protection Team – Role and Responsibilities

Every ISKCON temple, project and school is required to have a trained and active Child Protection Team (CPT) per ISKCON law. CPT's are accountable to both the CPO Director and local ISKCON Temple President or community leader (and Regional CPO Director where existing).

CPT's serve in an advisory capacity to the temple management and are intended to be independent of the management. This system provides a layer of accountability, confidentiality and objectivity for all parties. CPT's have a special focus of knowing what to do and who to contact when child protection issues arise, as well as making sure child abuse prevention measures are in place.

Appointment and Removal:

A CPT will be made up of at least two local individuals, ideally three. (If family members serve on a CPT there should be at least one additional member.)

Existing CPT members can select additional members, subject to the approval of the Temple President *and* CPO Director, or CPO Regional Director.

If no CPT members are active, new members will be selected by the local Temple President or community leader, in consultation with the CPO Director.

***Names of all CPT members and their contact information should be provided to the CPO Director and updated annually, by January 5, by local Temple Presidents, and if they fail to do so, by the individual GBC Member responsible for that zone.

Removal of a CPT member may occur by request of the CPO Director, Temple President or the CPT itself. If temple management wants a CPT member removed from the service this should be done in coordination with the CPO Director and vice versa.

Qualifications to be a CPT member:

Members may represent different constituencies – parents, school, community, etc.

Members should be able to be objective, balanced, mature, approachable and able to keep strict confidence. A special background or education in the field of child abuse response is not necessary but can be quite helpful.

Every member must receive training from the CPO. They should be trained according to standards set by the CPO Director and these *Guidelines,* and should take advantage of all resources provided by local Social Services.

Ideally, CPT members will not be Temple Presidents, but will work in cooperation with them in the protection of children at the local level. Applicants for CPT positions shall undergo necessary training per CPO direction, and be active members in good standing of the community.

Responsibilities:

1. Promote an atmosphere of child protection in their local community.
2. Be sensitive to and understand the implications of child abuse and neglect.
3. Arrange regular [at least annual] training for children, parents, teachers, community leaders and other personnel in child protection principles.
4. Be familiar with CPO Policy and Operational Guidelines and ensure local application.
5. Be familiar with their local laws and social service requirements regarding responding to and reporting allegations of abuse.
6. Work with local temple and community leaders to ensure that all clergy, personnel, and volunteers who serve in a trusted position have been appropriately screened, per CPO policies, i.e. criminal background check, CPO clearance and calling references.
7. Help ensure appropriate codes of practice are in place for those working with children.
8. Distribute the CPO Guidelines to teachers, management, relevant personnel and individuals.
9. Assist and advise the local Temple President and the CPO Director regarding any issue that may arise locally regarding child protection concerns.
10. Serve as the "first line of defense" in reporting any allegations of abuse to civil authorities and the CPO Director, per the *Guidelines*.

Where a CPT member or ISKCON authority has reasonable cause to suspect that a child who is a member of the community is suffering, or is likely to suffer harm, they shall make, or cause to be made, such enquiries as necessary.

It is recommended that the CPT meet monthly with the goal of preventing child abuse in their community as well as preparing in the event an issue arises.

Being prepared for an incident of child abuse, regarding the child, perpetrator and community includes knowing local laws, knowing who to report to, knowing local services such as Social Services, Department of Children and Families, Rape Crisis Center, etc..

Arranging for annual child protection awareness training of children and adults in their community can include finding local secular resources such as someone who does personal safety training in local schools for children and/or someone from a domestic violence agency who speaks to churches.

APPENDIX V – RELEVANT GBC RESOLUTIONS

[Voted into ISKCON law February, 1998]

A. Decisions of judges [now titled Review Panelists] are final. No appeal process except as outlined in this proposal.

B. GBC chair is responsible to see that decisions are enforced and will issue time limits for verdicts to be enacted. Local GBCs and temple presidents are to help GBC chair in implementing these verdicts.

C. If individuals named in a decision are in their area of responsibility, the local GBCs and temple presidents are obliged to work together with the Director of the Central Office to see that verdicts of this system are carried out.

D. Failure to assist as outlined in "b" and "c" will result in censures as described in existing GBC resolutions. In such cases, the GBC executive committee can then intercede and direct the local temple president and local GBC, etc. to implement these verdicts and standards.

E. It is every GBC's duty to be sure there are active and trained CPTs in place at the temples/ projects/ schools under their supervision with help and reminders from central and/or regional office

F. Until a police investigation, trial, and verdict and/or a case has gone through ISKCON's child protection court [now called Review System], the local CPT, with guidance and confirmation from the regional or central child protection office, determines the interim protection requirements for alleged victim and restrictions on alleged abuser. The local leaders and GBC must respect and help implement those guidelines.

G. All ISKCON leaders (GBCs, gurus, temple presidents, project directors and managers etc.) are obliged to follow the guidelines for screening those who live on ISKCON property and serve with our temples, schools, farms, and other projects.

H. The CPO may find that additional standards, guidelines, and resolutions are required to implement and improve this proposed system. Those additional standards, guidelines, and/ or resolutions will be reviewed by the GBC executive committee first, and with the GBC executive committee's approval, they will become provisionally binding on all ISKCON members, until they are reviewed and accepted, revised, or rejected at the next annual GBC meeting or GBC e-mail voting session (whichever method is selected by the GBC executive committee).

I. [2007 GBC Resolution # 312. Clarifying Leadership Standards Part B.]
Whenever the ISKCON Central Office of Child Protection rules that an offense is such as to restrict a person from serving in ISKCON in positions of leadership (including but not limited to offices of GBC, minister, zonal secretary or temple officer), the restriction must include the position of initiating guru. This restriction shall apply to all previous and future decisions of the Central Office of Child Protection.

J. [2006 GBC resolution #409]
The GBC recommends that ISKCON leaders worldwide:

- Act in a way that is sensitive to the needs of those who were abused, while treating them with respect, love, patience and understanding
- Take steps to improve the care and facilities for children in our communities, including Sunday schools, parental training, and other educational programs, as well as providing appropriate facilities like playgrounds, etc.
- Conduct annual child protection awareness training at every temple
- Encourage, value, facilitate and engage the youth and gurukula alumni
- Train and mentor youth and second-generation devotees with the goal of engaging them in responsible positions

GBC members are recommended to:
Meet regularly with youth and gurukula alumni, listen to them, encourage them, and help the society build better relationships with our second generation.

Leaders of ISKCON educational venues are recommended to:
Provide and promote all educational programs at reduced rates for gurukula alumni and youth. (This includes VIHE, MIHE, VTE, BC, etc.)

All ISKCON leaders are recommended to utilize the Child Protection Office's Employee-Volunteer Screening Form. This document may need adjustments to accommodate local requirements.

K. [2009 GBC resolution #309]
That the GBC hereby creates a GBC Review Panel of the CPO comprised of three neutral persons with interest or experience with child protection issues. The members of this panel are to be appointed by the GBC Executive Committee. Upon completion of the current internal review being conducted by the CPO, or in conjunction with it, the Review Panel shall review the revised policies and procedures of the CPO and suggest any amendments helpful in achieving the objectives of the CPO.

The Review Panel will periodically, at the invitation of the GBC Executive Committee, review the CPO's compliance with its own policies and procedures, as well as propose or review additional revisions, and will report its conclusions to the CPO Director and GBC Executive Committee.

The Review Panel shall not represent or advocate for any person or party, get involved in legal issues or formal complaints, or rule on the validity of already issued decisions.

All information shared with the Review Panel remains strictly confidential. After each review, the Review Panel will make a recommendation regarding the length of time until the next review, which should be within three to five years.

* **Additionally:** If/when Regional GBC resolutions are made that affect child protection policy or review proceedings, those resolutions should be added as reference material to the regional CPO and CPT guidelines for upholding child protection policy in that region.

Appendix O

Description: January 1998 Task Force Report, *pg. 18*

January 16th, 1998.

Dear Reviewers of this proposal:

Please accept our humble obeisances. All glories to Srila Prabhupad.

What you have in your hands is a draft proposal completed by a GBC ap- pointed committee. It aims at dealing with allegations of abuse from the past, preventing abuse in the future via screening, training, and education, and a system for monitoring and dealing with those cases of abuse which occur in the future.

We have tried to be thorough while at the same time being guided by the cri- teria of "What will work"; in other words what will actually our members be able to carry out at the grass roots level throughout the many countries and cultures where ISKCON is active. We have also tried to design a system which takes into account funding levels which ISKCON can actually achieve.

We humbly ask you to also please keep these criteria (what will work and what we can afford) in mind when reviewing this draft.

In the past, ISKCON had no clearly established standards and guidelines to aid its teachers, parents, temple administrators, and other child care provi-ders. Some individuals managed to steer a safe course through this gray area, others fell from the path, while still others, with ill intent and desire, took ad-vantage of this vacuum to carry out their malevolent acts.

By approving this draft, ISKCON will be establishing clear standards of ac-ceptable behavior for the future, a standard all its members will be expected to measure up to. At the same time, we will be putting a system in place to provide the guidance and training necessary for ISKCON's members to reach and maintain this level of care for its children and families.

How it will work:

What follows is a brief summary of the draft proposal.

There are three aspects of the system: a) dealing with allegations of abuse from the past, b) a system for preventative education and its means of implementation, and c) dealing with allegations of abuse in the future.

a) Allegations of past abuse are received and investigated. Those deemed to warrant pursuing become cases processed through a hearing / tribunal. There will be three judges deciding each case.

In the draft you will find a description of this investigation phase, the hearing phase, standards for evidence, standard for determining guilt, guidelines for sentencing and an appeals process. (See sections #2, 3, 4, 5, and 6 of the proposal for details.)

Please also see the accompanying letter "Why open up the past?"

b) This entire proposal rests on the establishment of a central office (two full time staff members; a director and a secretary). This office will coor-dinate the establishment and training of local child protection teams, pre-paration and distribution of educational material, central record keeping for screening etc., coordinating counseling for victims, and a host of other ser-vices. (See sections #7, 8, 9, and 10 for details.)

c) For those abuse cases which still do occur in the future, a investigative process and tribunal system is also outlined in this draft. (See sections #11, 12, and 13 for details.)

What it will cost:

Some of the big questions of course are, "How much will this cost?" and "How will we pay for it?"

The cost for first year (start up and processing allegations of past abuse): $168,000 with paid staff / $126,000 qualified full time volunteer staff

Future years (for central office and handling future abuse cases): $67,000 with paid staff / $25,000 with qualified full time volunteer staff

(Admittedly, this projection for future years is an estimate. We will have a much better idea once we see how the first year goes...what was accom-plished and what that cost.)

The proposal calls for an ISKCON wide fund raising campaign and a small surcharge added to the price of sold by all BBTs. (See section #14 for details)

Conclusion: From the former students of our gurukula system, from parents worldwide, from devotees in general, and from society at large, there is the call for the leaders of ISKCON to resolve the problems of the past and chart a positive course for the future.

We believe this proposal is the foundation for achieving that goal. We wel-come your comments.

GBC task force members:

Akhandadhi dasa, Anuttama dasa, Badrinarayan dasa (chair) Dharmaraj dasa, Laxmimoni devi dasi, Manu dasa, Pancaratna dasa, Sesa dasa, and Yasoda devi dasi

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Why open up the past?

There has been much discussion over what to do about abuses from the past. One argument is that we should learn to forgive and forget. "Let the ghosts of the past sleep and get on with the future." We are not alone in finding our-selves at such a crossroads, nor are we the first society to be exercised by such questions. We would do well to study the experience of others.

When issues of injustice and abuse are unresolved, they lay under a society like a vast underground pool of toxic waste. This seeps into the "water table" of the culture and poisons the wells of faith in the leaders and in the moral character of the institution. We are seeing these same effects in ISKCON. Victims are calling for an accounting and justice, families are uncertain of the ISKCON's commitment to their well being (the oft heard complaint is that while ISKCON is very good at constructing new buildings, it is lacking in caring for the people who live in those buildings), and the general public questions whether we have a moral compass and the ability to face up to and correct our errors.

These ghosts do not go away but rather continue to re-surface and take their toll again and again. Paradoxically, the only way to really close the door on a dark chapter and move on is to first open it up and air it out. This basic truth has been confirmed again and again.

In the way of some historical references, Argentina, Chile, and Guatemala all are still in turbulence due to scandalous and violent events in their past. In spite of attempts at cover-ups, at the highest level of government, France is still rocked by revelations over its Vichy/ collaborationist past. The Swiss are now universally embarrassed by their handling of Nazi gold...coming to light and shaking their banking system fifty years after the actual events.

The problem with trying to keep skeletons in the closet is that they have an unfortunate tendency to keep falling out of the closet, often at the most in-opportune moments.

Learning from these patterns in history and thus trying to avoid the corrosive effects of denial, the S. African government has established a commission, "the Truth and Reconciliation Committee", with full government funding and support to layout the whole story of what happened under the apartheid re-gime, by whom and to whom. Their goal from the onset is to get the whole process over with, once and for all, so they can begin to heal old rifts and work together to build their nation.

In addition to the above moral and social reasons, there is the very practical side of the cost of ignoring this issue. The Catholic church has paid out over $650 million in court-ordered penalties in the USA alone. One of the main reasons given by juries for their finding the church liable was not just that the abuse took place, but more because the church appeared to be insensitive to the victims, continued to provide shelter for past abusers, and did little to put in place reasonable systems of screening and prevention.

The issue of child abuse is not going to go away. Books are being written, law suits are building...the best defense we have is to be able to honestly show that we have recognized the problem and that we are dealing with it. It will only get more painful, damaging, and expensive the longer we wait.

We still have a chance to remedy this situation. If we don't take advantage of it now, we very may well not get one again.

********** DRAFT PROPOSAL: CHILD PROTECTION IN ISKCON ********** Contents:

1. Definitions of types of Abuse 2. Allegations of Past Abuse 3. Justice System 4. Sentence / Penalty phase 5. Appeal Process 6. Re-instatement Process 7. Central Office 8. Screening 9. Abuse counseling 10. Effective Child Protection Training 11. Justice System for Future Cases 12. Variations 13. Teenage Abusers 14. Funding Estimate 15. GBC resolutions required 16. Appendices

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1. DEFINITIONS OF TYPES OF ABUSE

Preface:

Cultural norms and or poverty are to be taken into consideration when con- sidering neglect, corporal punishment, and psychological abuse. (By cultural norms we mean different outlooks on child raising, punishment, dealing with teenagers, education etc. according to local custom and practice.)

What a parent may be able to provide in one country and is accepted as basic care there, may not be available in another country. Parents or guardians may be in poverty, they may be in rural environment. There will naturally be vari-ances in facilities and outlook on child raising, but at the same time there are basic and universal standards as well.... children can be kept as safe, clean, cared for, educated, and emotionally supported as possible. Cultural norms and or poverty are not a loophole but a factor of consideration. They are never an excuse for sexual abuse.

There are two spheres of care; one parental and the other institutional. While there may well be variances in cultural norms for parental care, this document outlines minimum standards expected of those acting on behalf of ISKCON or while a child is in ISKCON's care.

Child Protection Standards

Overview: ISKCON is an international organization, encompassing many countries and cultures. While recognizing these variations, there are universal and basic standards of decency and morals. Each temple and/or community is expected to comply with its own local child protection standards (established by the local and or regional child protection team), to follow the standards established by the central office for child protection, to abide by all relevant GBC resolutions, and to work with the local police and civil authorities, as required.

The following child abuse definitions represent the minimum standard in basic child care. These definitions cover acts which should not be done, but are ("acts of commission").... and acts which should be done, but are not ("acts of omission").

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Note: (In some portions of this section there is the use of graphic terms. We regret having to mention them, but they are necessary for clear definitions.)

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 maltreat-ment occurred.

B. Types of Child Maltreatment

1. NEGLECT- An act of omission (failure to do) where the parent or caretaker fails to provide for the child's basic needs and proper level of care. It is important to distinguish between willful neglect and a parent's or care-taker's failure to provide necessities of life due to poverty or cultural norms.

Types of neglect include: a) FOOD- failure to provide an adequate diet and sufficient prasadam.

Example: child is forced to eat old rotten prasadam or child is given portions too small to satisfy their hunger.

b) CLOTHING- failure to provide clothing adequate for the season.

Example: child is given no socks or sweater in wintertime.

c) SHELTER- failure to provide a clean, hazard free place to live.

Example: house has garbage and excrement on the floor, exposed wires, insect and rodent infested.

d) MEDICAL- refusal or delay in seeking necessary medical care.

Example: infant has chronic diarrhea and is not brought for treatment; teen-age son is found to be sexually abusing other boys and the parents refuse to bring their son for an adolescent sex offender assessment and treatment.

e) HYGIENE- failure to keep the child clean, tidy, and bathed.

Example: child's hair is dirty, matted; clothes are dirty, child looks dis-heveled, child smells.

f) SUPERVISION- failure to watch the child appropriate to the child's developmental abilities to ensure his/her own safety.

Example: parents repeatedly leave a 5 year old alone sleeping while they go out; parent lets 3 year old run around temple parking lot unsupervised.

g) EDUCATION- permission of chronic truancy, failure to enroll or provide home-schooling (where legally permissible) to a child of mandatory school age, and inattention to a special educational need.

Example: an 8 year old child receives no schooling whatsoever.

h) EMOTIONAL- failure to provide a climate that emotionally nourishes the child .

Example: child repeatedly sees her father beat up her mother; parents abuse alcohol or drugs; parents have sex in front of the child or expose the child to pornography.

B.2. PHYSICAL ABUSE- An act of commission (perpetration) by the parent or caretaker where the child is physically injured and/ or marks such as bruises, welts, lacerations, or burns, etc. are visible. Although the injury is not an accident, the parent may not have intended to hurt the child. The injury may have resulted from over-punishment that is inappropriate to the child's age. a) Forms of physical abuse include: punching, beating, shaking, whipping, caning, burning, slapping, biting, kicking, ear twisting, throwing.

Example: a student is whipped with a cane and red welts are visible, a parent slaps a child so hard across the face that black and blue marks appear in the shape of a hand; an infant is shaken so hard that brain damage occurs ; a mother spanks an 11 month old.

b) Corporeal punishment can also be considered abusive if, although no single incident leaves a mark or results in an injury , the frequent and chronic use of such has a deleterious cumulative effect. (In a recently published study on spanking, researchers found that the more frequently spanking was used as a method of punishment (three or more times per week) the more antisocial behaviors the child developed.

Example: A child is spanked for every minor infraction, several times a week

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 in extreme cases, another child (less than 12 years of age) The abuser uses his/her position of authority or power (size, age, social position, cogni-tive 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

Examples: A 14 year old boy badgers (verbally coerces) his 13 year old male friend into anal sodomy by repeatedly calling him a sissy; an ashram teacher fondles a boy's genital while tucking him in; a father incests his daughter; an aunt has a 9 year old nephew suckle her breast

Note: There is a continuum of sexual behaviors in children ranging from the normal to the abnormal. There are distinct phases of normal psycho sexual behaviors. See appendix #X for further elaboration B. 4. SEXUAL HARASSMENT- ISKCON is opposed to its members being subjected to sexual harassment.

1. Definition- a) sexualized contact or language between devotees be they adult, teen or child b) twisted use of the philosophy to denigrate one based on one's sex.

Example: a) a male temple president frequently puts his arm around the shoul-der of the teenage brahmacarini who makes the flower vases up... b) a brahmacari repeatedly chastising and denigrating calling an 8 year old girl as a "Maya devi" or some more graphic term.

B. 5. PSYCHOLOGICAL ABUSE- A repeated pattern of behavior that conveys to the child that they are worthless, flawed, unwanted, unloved, or only of value to meet another person's needs. This verbal battering seriously erodes and damages the child's self-esteem and sense of worth as a person.

a) Forms of Psychological Abuse

1. SPURNING- hostile, rejecting humiliating parent/caretaker acts that degrade the child.

Example: "You no good rotten kid, you'll never amount to anything, you're stupid, ugly, clumsy...I wish I never gave birth to you" or, making the child who had an "accident" wear their urine soaked underwear on their head while inviting other children to mock them; forcing a child to cross dress while having other children jeer.

2. TERRORIZING- parent/caretaker behavior that is likely to hurt, kill, abandon or place the child's loved ones, or the child in a dangerous situation.

Example: killing a child's pet in front of them intentionally to instill fear and gain compliance; locking a child screaming in a dark closet or cupboard for hours; randomly picking out a child from a line and hitting them for no appar-ent reason other than to instill fear.

3. CORRUPTING- acts that encourage the child in criminal, anti-social behaviors.

Example: taking a child shoplifting to teach then how to "get over"...to cheat or break the law.

4. DENYING EMOTIONAL RESPONSIVENESS-ignoring the child's need for love and affection.

Example: Chronically giving the child the "cold shoulder"; providing only concrete needs while treating the child as an object, and not a person.....no warmth or affection.

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Notes:

1.These guidelines recognize the normal stages of sexual development in children. There is allowance for what is natural and innocent activity while marking the distinction of abuse and exploitation. See appendix 2 for "Stages of Normal sexual development".

2. These guidelines do not exempt one from observing local laws. For ex-ample, in Sweden corporal punishment of any kind is against the law. Our parents, guardians, and care providers are expected to be aware of and observe local laws.

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2. ALLEGATIONS OF PAST ABUSE

a) Preparatory stage:

The Task force members will stay on for one more year...until April 31st of 1999....to help guide system through "past abuse" phase. The chair of this committee will rotate amongst members every 6 months. They

will work with the GBC executive committee to set up the central office, find a director, and to help find and train judges and staff.

Process:

a) Announcements will be made that ISKCON is opening an inquiry on allegation of past child abuse...via:

ISKCON's Youth Ministry/ Asking for volunteers to phone known victims/ Notices posted in temples/ Announcements in Hare Krsna World/ Postings on "Cakra" and other Com conferences/ local temple child protection teams (hereafter referred to as "CPTs").

For India the assistance of the local CPTs in Vrndaban and Mayapur will be employed to distribute information.

b) There will be a six months window for the collection of allegations phase. With the approval of the task force members, reports can be taken after six months...but the preferred period for filing claims is within six months of announcements being made via the above avenues.

c) Immediately upon approval and funding work will begin on setting up a central office as well as finding and training staff, investigators, and judges.

d) As allegation reports come into the central office, the Task force members along with the central office staff will begin sorting and prioritizing cases.

e) The central office secretary will notify those filing reports that their claim has been received and will explain the process of this system etc.

f) After six months, the Task force members will have finished sorting through reports, prioritized claims, and set a time line for the individual cases

g) Standards for accepting reports;

1. Primary attention will be given to first hand, signed allegations.

2. Anonymous or second hand allegations are not excluded but will be given a lower priority. Anonymous allegations must specify a time, place, detailed events. There must be enough details to establish some chain of events which will provide a serious means to investigate and verify the weight of the claim.

h) The central office will prepare a sample report....points to be covered, information required etc. to help guide those filing claims.

Because we are dealing with the past; evidence of abuse, the prime source in a fresh case, is gone. Cases will rest instead on any child protection team or ISKCON education office reports, convictions in a court of law, eyewitness reports, admissions of guilt, and assessments of the alleged victim and the alleged perpetrator.

i) Where there is genuine fear of retaliation, arrangements will be made to attempt to maintain confidentiality.

j) In cases too weak to pursue, a file will be kept to show that an allegation was received and the details of that claim. Such a file will be kept on record in case future, more substantial allegations come forward.

k) Those individuals who believe they were wrongly found guilty of abuse in the past, and who want to attempt to clear their name, can also file a claim. The central office will review their claim, assess its

validity, and if the central office concludes there is some legitimate grounds, the central office will schedule the case and advise the claimant of the procedures of this system.

l) Investigators

1.Investigators are assigned by Task force and central office. They will receive training by professionals experienced in the field

2. After training they will interview alleged victims, corroborate other wit-nesses and evidence. They will use standardized forms / questions. State-ments and depositions will be taken in writing, or on audio or video tape.

3. The investigators, in consultation with the central office and GBC task force, will coordinate the psychological assessments for the alleged victim.

m) Forward to a trial

In consultation with the investigator, members of the Task force, the director of the central office, and in consultation with other trained professionals, a decision will be made whether the case should procede to a hearing.

n) If the initial investigation indicates the possibility that the claim has sub-stance, the accused is notified that a report has been filed naming them. The accused is directed to an ISKCON approved clinician or specialty program for a professional forensic evaluation.

Accused is obliged to pay for the evaluation. In an ideal world this system would have the funds to cover all these costs...but it doesn't. The justification for requiring the accused to shoulder the cost of their defense is that even in the general society, if one is sued in court the accused is obliged to hire an attorney and cover the costs of their defense or default to the judgment of the court. The consolation is that if cleared in the end, the accused can petition the court for reimbursement and the judge may include in the judgment that those who filed the initial report must reimburse the accused his/her costs.

If the accused legitimately cannot pay for assessment (to be confirmed by the case's investigator) the cost of assessment will be provided (see budget section).

The accused can refuse to be assessed; such a refusal will be noted by the judges when the case is heard.

o) After weighing the report from investigators, results of assessment, etc. task force members will determine whether or not to refer the case on to a hearing.

p) Judges:

1. Training session for judges will include:

**How to recognize signs, symptoms, and sequella of abuse (how it impacts the victim's life) **Videos of interviews with confirmed abusers **Language of clinicians (so they can understand the psychological assess- ments) ** Basic forensic investigation procedures and logic

2. The GBCs and gurus will need to help enlist a pool of senior devotees to be judges. This is extremely important. The quality and training of the judges will determine the degree of faith in the entire system.

(Possibilities: Bir Krsna Maharaj, Akhandadi, Svavas, Krsna Ksetra, Bhakti-tirtha Maharaj, Radhanath Maharaj, Saudamini dasi, Ramburu dasi, Saunaka Rshi, Guru-prasada Maharaj, Yudhistira (Dallas), Visvadev, Radha-Krsna (Bombay) Trikalajna, Kalakantha, Madhu pandit, Hariscandra, Nagaraj, Adridharan etc.)

3. Three judge are assigned per case. Judges are to be located around the world for regional hearings....to minimize costs and accommodate different languages etc.

4. The Task force assigns which judges to which case.

q) Procedure for hearings:

1.Investigators and central office prepare the case....monitored by task force. The case brief consists of all the supporting evidence, reports, assessments, and depositions.

2. For these past abuse cases, most hearings will be based on written depo-sitions, psychological assessments, reports by the local CPT, reports by the investigator assigned to the case, and written, audio, or video statements and depositions received from the alleged victim and alleged perpetrator. In espe-cially complex cases, the judges may request funding from the central office for the alleged victim, the alleged perpetrator and or any other relevant wit-nesses the judges deem essential to deciding the case to appear in person.

It will first be seen if these individuals can and will pay their own travel costs. If not, the central fund, at the judges' discretion, will cover the costs.

3. The central office will arrange judges and investigators by continent...and by language. To save on expenses, judges may meet in one place for a num-ber of days and hear a series of cases from that area of the world.

4. Standard of guilt: preponderance of evidence: Definition:

"Preponderance of evidence" means that taken all together, the evidence weighs on the side of guilt. It is reasonable to conclude guilt.

This is the same standard used in civil cases.

5. Judges' decision will be available via the central office to legitimate ISKCON inquiries. Anonymity will be provided if requested by the victim.

Note:

1. We estimate there will be approximately 10 to 15 cases of past abuse which will go through to a full hearing. Some case will include one alleged perpetrator and multiple alleged victims.

2. Reviewers: Please send us recommendations for judges and investigators.

********** 3. JUSTICE SYSTEM:

A. GENERAL AND INTRODUCTORY RULES

Rule 1. Scope of Application

1.1 These Rules shall only govern the adjudication of disputes submitted to the Appointed Judges by the ISKCON/Task force on Child Abuse (hereinafter the "Task Force").

1.2 These Rules shall govern the adjudication except that where any of these Rules is in conflict with a mandatory provision of applicable law, that provision of law shall prevail.

Rule 2. Notices

2.1 Notices with respect to the various stages of the adjudication shall be given in writing to the address and/or telephone number specified in writing by the recipient. Notices may be given by mail, facsimile transmission, or e- mail. Notices shall be deemed to have been received on the date of delivery.

2.2 Time periods specified by these Rules or established by the Judges shall start to run on the day a notice is received, unless the Judges shall specifically provide otherwise.

Rule 3. Commencement of Adjudication

3.1 The adjudication shall be deemed commenced on the date on which the Task Force assigns the case to the Judges by transferring the relevant documents to the Judges.

3.2 Issues may be freely added or amended by the Task Force prior to the establishment of the Judges and thereafter with the consent of the Judges.

Rule 4. Representation

4.1 The parties may be represented or assisted by persons of their choice.

4.2 Each party shall communicate the name, address and function of such persons in writing to the Task Force, other parties, and to the Judges.

B. RULES WITH RESPECT TO THE JUDGES

Rule 5. Selection of the Judges

5.1 The Judges for each adjudication shall consist of judges appointed by the Task Force.

5.2 The Task Force shall appoint persons whom it deems qualified to serve as Judges.

5.3 Persons selected to serve as judges shall be chosen from a list of those who have undertaken a program of training deemed by the Task Force to be sufficient for the execution of the judge's duties. Such a program of training shall, at a minimum, consist of training in knowing: (a) the nature of abuse (four kinds)

(b) sign and symptoms of abuse

(c) how abuse impacts one's activities in life

(d) how to detect abuse

(e) how to understand corroborating evidence of abuse

(f) the psychology of the victim

(g) the psychology of the offender

(h) understanding the language and scope of forensic evaluations

(i) polygraphs....linguistic and otherwise Rule 6. Qualifications, Challenges and Replacement of a Judge

6.1 Each Judge shall be independent and impartial.

6.2 By accepting appointment, each Judge shall be deemed to be bound by these Rules and any modification agreed to by the parties.

6.3 A Judge shall promptly disclose in writing to the Task Force, and the parties any circumstances that might cause doubt regarding the Judge'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 counsel.

6.4 A Judge may be challenged if circumstances exist or arise that give rise to justifiable doubt regarding that of the Judge's independence or impartiality.

6.5 A party may challenge a judge only by notice in writing to the Judge, with a copy to the Task Force, the central office, and the other party, given no later than thirty days after (i) the parties have been notified that the adjudication has been commenced, or (ii) the challenging party has become aware of the circumstances specified in Rule 7.4, whichever shall last occur. The notice shall state the reasons for the challenge with specificity.

6.6 When the Judge has been challenged by a party, the Task Force or the other party may agree to the challenge or the Judge may voluntarily withdraw. Neither of these actions implies acceptance of the validity of the challenge.

6.7 If neither agreed disqualification nor voluntary withdrawal occurs, the challenge shall be decided as follows:

(a) By a majority vote of the Task force for initial cases of past abuse (first year of tribunal functioning) and after that by majority vote of the other two judges assigned to the case and the director of the central office.

6.8 In the event of death, resignation or successful challenge of a Judge, a substitute Judge shall be selected pur- suant to the procedure by which the Judge being replaced was selected.

6.9 In the event that the Judge fails to act, or in the event the Judge determines that a member of the panel of Judges is de jure or de facto prevented from duly performing the functions of a Judge, the procedures provided in Rule 6.8 shall apply to the selection of a replacement.

6.10 If a judge is replaced, the successor shall decide the extent to which any hearings held previously shall be repeated.

Rule 7. Jurisdiction of the Judges and Challenges to the Jurisdiction of the Judges

7.1 The jurisdiction of the Judges shall be limited to abuse alleged to have occurred on ISKCON property or premises under ISKCON control and operation, or by an individual acting while in an official ISKCON capacity i.e. as a teacher, temple administrator, sannyasi etc. Cases which do not fall within these categories may be taken up at the discretion of the child protection central office and if requested to do so by the local child protection team, local temple president, and or local GBC.

7.2 Case of child abuse which have been dealt with in the past by the GBC or one of its agents (ministry of justice, ministry of edu- cation etc.) are subject to review by these judges including cases were guilt has been admitted and a sentence decided.

The members of the GBC appointed child protection task force (Badri- narayan dasa, Sesa dasa, Laxmimoni dasi, Yasoda dasi, Anuttama dasa, Dharmaraj dasa, Manu dasa, Pancaratna dasa, and Akhandadhi dasa) along with the chairman of the child protection central office, by a majority vote, will determine which of these old cases, previously decided, are to be opened for review.

Note: Some cases may have already had thorough documentation, an admission of guilt, there is no new complaint from the victim, and a sentence has been determined and is being carried out. All that needs to be done in case like this is be sure there is an complete record with the central office. Other cases may have been on partially researched, no clear records, a sentence which is not being followed or clearly inappropriate etc. Such cases need to be re-opened and resolved via the above justice system, in order to have a final official record and to put these cases to rest once and for all.

7.3 The Judges shall have the power to hear and determine challenges to its jurisdiction.

7.4 Any challenges to the jurisdiction of the Judges shall be made prior to the adjudication hearing.

C. RULES WITH RESPECT TO THE CONDUCT OF THE ADJUDICATION PROCEEDINGS

Rule 8. General Provisions

8.1 Subject to these Rules, the judges may conduct the adjudication in such manner as they shall deem appropriate. The judges shall be responsible for the organization of conferences and hearings and arrangements with respect to the functioning of the Judges.

8.2 The proceedings shall be conducted in an expeditious manner. The Judges are empowered to impose time limits it considers reasonable on each phase of the proceedings, including without limitation the time allotted to each party for pre- sentation of its case and for rebuttal.

8.3 Except as otherwise provided in these Rules or permitted by the Judges, no party or anyone acting on its behalf shall have any ex parte communication with the judges with respect to any matter of substance relating to the proceeding.

8.4 As promptly as possible after the selection of the judges, the judges shall hold an initial pre-hearing conference for the planning and scheduling of the proceeding. The objective of this conference shall be to discuss all elements of the adjudication with a view to planning for its future conduct. Matters to be considered in the initial pre- hearing conference may include, inter alia, the following:

(a) Procedural matters such as the timing and manner of any required discovery; the desirability of bifurcation or other separation of the issues in the adjudication; the scheduling of conferences and hearings; the scheduling of pre- hearing submission of case documentation; the need for and type of record of conferences and hearings, including the need for transcripts; the amount of time allotted to each party for presentation of its case and for rebuttal; the mode, manner and order for presenting proof; the need for witnesses and how testimony should be presented; and the necessity for any on- site inspection by the Judges;

(b) The early identification and narrowing of the issues in the adjudication;

(c) The possibility of stipulations of fact and admissions by the parties solely for purposes of the adjudication, as well as simplification of document authentication; and

(d) The possibility of the parties engaging in settlement negotiations, with or without the assistance of a mediator.

After the initial conference, further pre-hearing or other conferences may be held as the Judges deem appropriate.

8.5 In order to define the issues to be heard and determined, the Judges may inter alia make pre-hearing orders for the adjudication and instruct the parties to file more detailed statements of claim and of defense and pre- hearing submission of documents.

8.6 The Judges shall fix the place of adjudication. The award shall be deemed made at such place. Hearings may be held and the Judges may schedule meetings, including telephone meetings, wherever it deems appropriate.

Rule 9. Discovery

The Judges shall permit and facilitate such discovery as it shall determine is appropriate in the circumstances, taking into account the needs of the parties and the desirability of making discovery expeditious and cost- effective. The Judges may issue orders to protect the confidentiality of sensitive information disclosed in discovery.

Rule 10. Evidence and Hearings

10.1 The Judges shall determine the manner in which the parties shall present their cases. Unless otherwise determined by the Judges, the presentation of a party's case shall include the submission of pre-hearing documentation including the following elements:

(a) A statement of facts;

(b) A statement of each claim being asserted;

(c) A statement of the relief requested, including the basis for any damages claimed; and

(d) A statement of the evidence to be presented, including the name, capacity and subject of testimony of any witnesses to be called and an estimate of the amount of time required for the witness' direct testimony.

10.2 Evidence may be presented in written, video, or oral form (tape recordings) as the Judges may determine is appropriate. The Judges are not required to apply the rules of evidence used in judicial proceedings.

10.3 The Judges, in their discretion, may require the parties to produce evidence in addition to that initially offered. They may also appoint experts whose testimony shall be subject to cross examination and rebuttal.

10.4 The Judges shall determine the manner in which witnesses are to be examined. The Judges shall have the right to exclude witnesses from hearings during the testimony of other witnesses in such cases were witnesses etc. are appearing in person.

Rule 11. Interim Measures of Protection

At the request of a party, the Judges may take such interim measures as it deems necessary in respect of the subject matter of the dispute.

Rule 12. The Decision

12.1 The Judges may make final, interim, interlocutory and partial decisions. With respect to any interim, interlocutory or partial decision, the Judges may state in their decision whether or not they view the award as final, for purposes of any judicial proceedings in connection therewith outside of its jurisdiction. However, within the jurisdiction of the Judges the decision shall be final.

12.2 The Judges shall consult with the Task Force prior to determining any punishments which respect to their decision.

12.3 Decisions are made by a two thirds majority of the three judges. All decisions shall be in writing and shall state the reasoning on which the decision rests, unless the parties agree otherwise. The decision shall be made and signed by the judges and if the decision decides a number of issues, the part of the decision relating to each issue shall be made and signed by the judges.

Where a case is decided by a two thirds majority (not unanimously) the dissenting judge may write a "minority" opinion, stating the reasons for his/her differing opinion.

12.4 The adjudication should, in most circumstances, be decided by the judges within six months after the initial pre-hearing conferences required by Rule 8.4. The parties and the judges shall use their best efforts to comply with this schedule.

Rule 13. Standard for determining guilt

13.1 Standard of guilt: preponderance of evidence: Definition: "Preponderance of evidence" means that taken all together, the evidence weighs on the side of guilt. It is reasonable to conclude guilt. This is the same standard used in civil cases in the United States.

D. MISCELLANEOUS RULES

Rule 13. Failure to Comply with Rules

Wherever a party fails to comply with these Rules in a manner deemed material by the Judges, the Judges shall fix a reasonable period of time for compliance and, if the party does not comply with said period, the Judges may impose a remedy it deems just, including a decision on default. Prior to entering a decision on default the Judges may require the non-defaulting party to produce evidence and arguments in support of its contentions, which the Judges may receive without the defaulting party's presence or participation.

Rule 14. Costs

14.1 Costs of the adjudication shall, in general, be borne by the task force GBC funding.

14.2 The costs of adjudication may include, but are not limited to, the following:

(a) Any expenses of the Task Force in connection with the adjudication;

(b) Any fees or expenses of the Judges;

(c) The cost of meeting and hearing facilities.

14.3 The following are not to be considered costs of the adjudication:

(a) the cost of defending a case submitted by the Task Force for adjudication;

(b) The travel and other expenses of witnesses. (unless the personal presence of such witnesses is determined by the judges to be essential for this case (where depositions will not suffice), and the party requesting the witness (the alleged victim or the accused) cannot cover the costs. In such a situation, at the discretion of the judges, the central office will bear the costs.

Rule 15. Confidentiality

a) The parties and the Judges shall treat the proceedings and any related discovery as confidential, except in connection with a judicial challenge to, or enforcement of, a decision, and unless otherwise required by law.

b) The final verdict and the details of the sentence shall be released at the discretion of the central office. The central office will make all reasonable efforts to respect any request for anonymity by confirmed vic- tims. The central office will serve as the clearing house for all legitimate screening requests from ISKCON agencies....via a system to be developed by the Task force and the central office.

Rule 16. Settlement and Mediation

16.1 Either party may propose settlement negotiations to the other party at any time. The Judges may suggest that the parties explore settlement at such times as the Judges may deem appropriate and shall suggest that they do so at or before conclusion of the hearing. The Judges shall give such assistance in settlement negotiations as the parties may request and the Judges may deem appropriate.

16.2 With the consent of the parties, the Judges at any stage of the proceeding may arrange for mediation of the claims asserted in the adjudication by a mediator acceptable to the parties. The Mediator shall be a person other than the Judge, unless the parties request and the Judges agrees that the Judge may serve as Mediator. The Judges may provide the Mediator with whatever factual and legal material developed in the adjudication it deems appropriate and may permit the Mediator to attend conferences and hearings held in connection with the adjudication. Unless the parties agree otherwise, any such mediation shall be conducted under the ISKCON/GBC Rules for Mediation.

16.3 The results of a case which is mediated will have the same standard of public information as cases which go all the way to trial and judgment. In other words, if the alleged abuser admits guilt and the case is mediated, the details of the abuse and the judges' sentence become part of the child protection office's record, open for screening inquiries and public record.

Rule 17. Actions against the Task Force and/or the Judges

Neither the Task Force nor any Judge shall be liable to any party for any act or omission in connection with any adjudication conducted under these Rules.

Rule 18. Waiver

A party knowing of a failure to comply with any provision of these Rules and neglecting to state its objections promptly waives any objection thereto.

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4. SENTENCE/ PENALTY PHASE

a) Decision of judges is final. See the sections "appeal process" and "re-instatement process" listed below..

b) The Judges determine guilt or innocence.

For those cases involving alleged abuse from the past (by past is meant those cases of alleged abuse before the approval of this proposal and establishment of the system outlined herein), if the accused is found guilty, the judges then combine with the Task force members, and the director of the central office to determine the sentence.

For cases of abuse in the future, the judges, in consultation with the director of the central office, will determine the sentence. In other words, in future cases, the Task force will not be consulted

c) The process will be that after determination of guilt, the judges and task force members consult via conference call.

This will mean that there is not an immediate announcement of the penalty along with the initial finding of guilt,....but such an interval is also there in most civil and criminal courts; it allows a cooling off period and a chance for the judges and task force members to consider how to craft an appropriate sentence.

d) Notes on determining sentences:

1. The type of offense is not necessarily the criteria (whether sexual, physical, or neglect etc.) but rather it is the severity and frequency of the offense that the sentence should be based on. (For example, one abuser may caress a young girl and be guilty of sexual abuse while another may repeatedly and severely beat a child and be guilty of physical abuse; the later should be given a harsher sentence due to the "severity and frequency" of the acts.)

2. Rape however is in a special category...because even though one rape may be an isolated, singular event....it is, by the very nature of the act, deemed to be extreme, severe, and violent.

3. The criteria for measuring offenses includes the degree of invasiveness, the degree of injury, the amount of initial suffering to victim, and the long term impact on victim.

4. A universal element of any sentence finding an individual guilty of child abuse is that the offender cannot live on ISKCON property, and cannot hold any authority position in ISKCON (guru, GBC, temple president, regional secretary, and or board of directors etc.) They also are restricted from holding any fiduciary position, and are barred from performing any priestly functions.

This includes if an individual is or has been convicted of child abuse in a criminal or civil court outside of ISKCON's justice system.

The only exceptions will be if the judges, combined with the task force mem-bers, specifically note such a modification in the sentence. (They may do so where an individual is found guilty, but of the mildest type of offense.)

e) The sentence may include obliging the convicted abuser to reimburse court costs and to pay for the victim's counseling.

f) In the case where a defendant is found not guilty, the judge may oblige the accuser to cover the defendant's court costs.

g) A sentence determined by this system cannot be reduced by a local com-munity, temple president, or local GBC. Requests for modification (for ex-ample unforeseen complications or problems in the application of a sentence) can be discussed with the director of the child protection central office and the judges in the particular case. Only with the written consent of the director and the judges can any modifications be made. Such modification are to in the form of a notice written by the judges in the case, spelling out the specific modifications of the original sentence.

h) The convicted abuser is required to file quarterly reports (every three months) stating he or she is conforming to guidelines of sentence. These re-ports are to be filed with central child protection office, ISKCON education office, and GBC chair....for duration of their sentence. (The purpose is to monitor the whereabouts and status of convicted abusers. It is also to convince them of the seriousness of their offense and encourage them to seek proper treatment and therapy.

i) Counseling for victims:

Judges can grant victims funds for counseling, up to an average of $2,000 per individual exceptions can be made in extreme cases (to come from the GBC established fund for this purpose....see "Budget" section) The central office will also help in arranging for pro bono care by qualified health care providers and will help in assisting the victims in arranging for state funded care.

j) Statute of Limitations:

There is no statute of limitations. Upon approval of this proposal and establishment of a system for receiving allegations of abuse, a six month period of active solicitation of reports will begin, but if an alleged victim comes forward later on with a credible case, then such a case can be entered into this system at any time.

f) Criminal proceedings:

In cases of alleged abuse, where there is an active outside justice system (western Europe, Australia/ NZ, USA, Canada etc.) and when the statute of limitations has not expired, a compliant should also be filed with the local police.

g) Double Jeopardy:

A person can be tried only once for alleged abuse against a particular individ-ual. In cases where there is one person accused of abusing multiple victims, the central office will do everything it can to inform all those concerned that this is their opportunity to make their accusations. Again, there can only be one trial for one individual or one particular set of circumstances or set of alleged victims. In other words, if teacher X is accused of abuse at school Y, there should only be one trial to deal with that. The central office will do all it can to notify all potential victims and combine all related claims into one case.

Exception: If new evidence arises which is so convincing and points to offen-ses which are so egregious, the executive director of the central child protec- tion office and the three member of the GBC executive committee, by majority vote, can re-open a case and initiate a second hearing.

Notes:

1. The reason for the difference in the panel determining sentences in cases of the past and cases of abuse in the future is that a number of these initial cases dealing with past abuse are very sensitive, and as there is no precedent or previous case record to draw on, this process of the judge combining with the Task force members to craft a sentence will take some heat off the judges and help to establish a fair and solid standard to help guide judges in the future.

2. Providing for counseling is not necessarily an admission of guilt on the part of ISKCON. It is our moral duty to do our best to take care of our mem- bers.....that should be impetus enough.

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5. APPEAL PROCESS:

a) Those found guilty via the above procedure can appeal to the GBC executive committee and the ISKCON minister of justice.

b) The GBC executive committee and the ISKCON minister of Justice, have the option to accept or reject such an appeal after reading the judges' ruling in the case and consultation with the director of the central office. (A simple majority is required for an appeal)

c) In the case where an appeal is granted:

1.) The decision of the first child protection hearing are binding and effective immediately. The convicted person must abide by the guidelines of the judges' ruling even while he/she is appealing it.

2. The panel of the GBC executive committee and the minister of justice will look at points of law and the justice of the original judges' decision. This panel will read the case log, can re-interview witness or interview new wit-nesses, and over-rule or modify the original decision. A three fourths majority is required to over-rule the previous ruling. This second ruling is final.

3. A member of the GBC executive committee and or the minister of Justice must recuse himself (step aside) if the person appealing the original decision is their disciple or serving in their zone. The remaining members of the panel shall select a replacement to complete the panel.

********** 6.) RE-INSTATEMENT PROCESS:

a) If someone is convicted of child abuse and later on wants to have the basic restrictions listed below lifted:

"A confirmed abuser is not allowed to live on ISKCON property, hold any authority position in ISKCON (guru, GBC, temple president, regional secretary, and or board of directors etc.), to hold any fiduciary position, and or to be allowed to perform any priestly functions"

or to have all or a portion of their original sentence modified: 1. They must get a current risk assessment...from an approved ISKCON health care professional, and at their own expense.

2. Be able to demonstrate that they are in or have under gone treatment/ counseling.

The executive director of the central child protection office, combined with two judges (selected by executive director) will consult with ISKCON health professionals and together decide whether some modification of the above restrictions is in order.

b) A request for re-instatement cannot be made until five years after original conviction.

Only one request is allowed every five years....not that someone can petition this system every year.

Note: The above process removes the current system wherein a 3/4 vote of the householders at a project is required to allow a convicted abuser to live on ISKCON property etc. (That old method is fraught with faults and complica-tions.)

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7. CENTRAL OFFICE:

a) This office will serve a number of functions;

1. To coordinate the efforts to investigate and settle claims of past abuse 2. To coordinate current and future abuse cases 3. To keep all records and files/ for use in screening etc. 4. To disseminate information on child protection 3. To organize seminars and training 4. To make sure systems for screening are in place 5. To monitor and train local temple child protections teams 6. To train and coordinate regional/ satellite child protection offices 7. To coordinate care for confirmed abuse victims 8. To prepare standards and guidelines for child care in ISKCON 9. To help coordinate service opportunities and special programs for abuse victims/survivors

Requirements for director: Maturity, quick learner, good people skills, well organized, can delegate assignments, good office manager, spiritually strong. Ideally, with some education and experience in child care/ counseling field.

a) Duties of Executive Director (central office)

1. Establish and monitor regional (satellite offices)

2. Prepare training manuals appropriate for different audiences: (GBCs/ TPs/ school staff/ local child protection teams...here after referred to as "CPTs"/ children/ parents)

3. Supervise and direct office secretary

4. Create reference list of ISKCON health professionals...engage them in service

5. Make sure screening processes are in place ISKCON-wide

6. Organize training seminars for ISKCON leaders, schools etc.

7. Develop and distributes reference material

8. Counsel local CPTs and regional offices with on-going cases as needed

9. Help coordinate counseling for confirmed victims

10. Coordinate and oversee justice system for hearing cases of abuse

11. Coordinate staffing of and training for that justice system _____

b) Duties of Central office secretary:

Requirements...clerical skills, maturity, confidentiality, strong emotionally and spiritually, some financial skill (paying bills, keeping records)

1. Keep permanent records, multiple copies

2. Coordinate payment of counseling bills (for victims whose verdicts include payments from ISKCON's fund)

3. Help compile and update list of devotee health care professionals who may volunteer counseling or to work with victims to find local care.

4. Maintain files and list of past cases...send out periodic updates of list of abusers to temples/ CPTs

5. Coordinate research of laws of different countries (in USA, of different states) on who is obliged to report suspected abuse....and what degree of abuse does the law mandate be reported...make sure regional offices and local CPTs have this information on hand and that it is included in child protection training manuals.

6. Recruit and train investigators. There will need to be qualified investigators on call to send in to assist local CPTs in some cases.

Note: Most of our current child protection manuals are in serious need of up-dating, improvement, and to be brought in harmony with this new system.
********** 8. SCREENING:

a) The central office will develop systems and policies for hiring/ screening throughout ISKCON (who stays in our ashrams, works for us, teaches in our schools, becomes an initiated disciple).

Such screening will be mandatory for all ISKCON projects.

See appendix 1 for sample of mandatory screening check

b) Prospective initiates must be interviewed and screened. ISKCON gurus must arrange for a reference check with ISKCON central office for child protection of all candidates for initiation. Additionally, the prospective disci-ple should be asked to personally certify that he or she has no past record or problem in this area. We recognize that this is an awkward question to ask but there have been instances where a timely and appropriate inquiry would have saved the guru and ISKCON much grief and embarrassment.

(It is not impossible. Harikesa Maharaj already does this; in the appendix to this paper is a sample of the form he has the temple presidents complete before Harikesa Maharaj accepts their recommendation of a candidate for initiation.)

Note:

An essential step in improving the quality of how the staff in our temples and projects performs is to improve the quality of that staff in the first place. Most states require mandatory personnel checks for anyone applying for a job in-volving child care. By the simple step of a reference check a number of problems can be resolved at the very beginning.

As a legal note, juries and judges can understand that in spite of the best intent, cases of abuse will happen. But we have to be able to show that we made every reasonable attempt to prevent abuse. Juries nailed the Catholic church because they did not have a viable screening process; on the flip side one of the Catholic church's best defenses now is that they have instituted a thorough screening procedure. They can legitimately argue that they are doing the best they can.

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9. ABUSE COUNSELING:

Counseling after abuse comes to light should take three aspects, addressing the needs of three different constituencies (the following are from the guide- lines given by the Catholic bishops to their parishes)

a) "Institutional response"- Temple presidents and GBC's should follow these guidelines in cases of child abuse within their locality:

(1) Reach out to the victims and their families and communicate sincere commitment to their spiritual and emotional well being.(This should also be done with the families of adolescent or child offenders.)

(2) All human suffering as well as the weaknesses and imperfections of human beings deserve a response rooted in love, compassion, and concern.

(3) ISKCON is committed to dealing with issues of child abuse within it's society in an open and straightforward manner. Officials will speak the truth. We will reach out to the injured. We will promote the safety of our children.

(4) ISKCON will promote healing where it is needed, guidance when it is called for, with firm justice and mercy towards all and a determination to do what is needed to correct and prevent child maltreatment in all it's forms. _____

b) "Psychological" response.....

(1) Compassion requires that primary attention be given to the person alleged to have been offended

(2) While we are all in need of redemption and forgiveness for our failings, there is a special harm and injury given to those who are victim-survivors. (This term is used to underscore the fact that people are not simply victims, as though what happened to them stops there. People are also resil-ient and however difficult the path to recovering from abuse may be, those in this process are survivors. The joint term, victim/ survivors is used to ac- knowledge their suffering while at the same time encouraging healing and recovery. _____

c) "Congregational" response... (1) Families often require the same compassion and sensitivity as that of the victims and are not to be forgotten in the healing process.

(2) Congregations undergo a complex process of grieving when they learn that a trusted and respected leader or member has been accused of child maltreatment

(3) A most important element in healing is receiving accurate information of what happened

(4) We need to develop what is known as a "listening presence", ie, we don't really respond until in some way the person's pain has entered into our own lives. Only when our hearts are heavy and the pain burdens us should we respond. If we respond before we experience that pain, then there is a certain violence done to the victim, a violence that is unnecessary and certainly unwarranted.

(5) Congregational members reactions will be affected by their stages of faith development, especially if the accused is a leader or a guru. Disclosure can precipitate an internal crisis that challenges their underlying spiritual and psychological beliefs.

(6) Affected congregations can have emotions that divide it, emotions that run the gamut from anger, disappointment, disgust, betrayal, disbelief, and sadness, grief, and compassion.

(7) Within the confines of respect for the privacy of the individuals involved, deal as openly as possible with the members of the community.

(8) An "authoritative presence", be it the temple president, the local GBC or other ISKCON leader is necessary for the congregation to heal. This means that these local leaders need to participate with and help guide the congregation through this process.

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d) To help ISKCON implement and improve on the above areas of counseling, the central office will:

1.Teach training seminars at GBC/ TP meetings

2.Train other ISKCON health professionals so they can in turn lead sessions in other parts of the world.

3.Establish a fund to provide for counseling for victims

4. Establish a network of ISKCON mental health practitioners who can either provide counseling or act as referral agents to appropriate treatment providers

5. Help victims find counseling from government agencies

6.Prepare brochures and guidelines to help explain the above three steps for communities to deal with the impact of abuse

7. Act as an interface between victims and ISKCON projects, working on placement with temple services, training and work experience, preaching pro-grams, temple ashram living facility, and other programs these individuals might want to participate in.

e) To facilitate the implementation of this proposal, the Task force's mandate will be extended for one more year (until April 31st, 1999). During that time the members will also work with the central office to further develop the stan-dards and systems required to accomplish the goals of this proposal.

f) The task force, in consultation with the director of the central office, may find that additional standards, guidelines, and resolutions are required to implement and improve this proposed system. Those additional standards, guidelines, and/ or resolutions will be reviewed by the GBC executive com- mittee first, and with the GBC executive committee's approval, they will be- come provisionally binding on all ISKCON members, until they are reviewed and accepted, revised, or rejected at the next annual GBC meeting or GBC e-mail voting session....whichever method is selected by the GBC executive committee

********** 10. EFFECTIVE CHILD PROTECTION TRAINING

a) Set up of an central office and regional/ satellite offices as outlined in the section #7 "Central Office".

b) The central education advisory board will include standard requirements in child protection as criteria for a school to receive ISKCON certification.

See note #2 below

c) There must be commitment and involvement from the individual GBCs in seeing that there are active and trained child protection teams in each of their temples and projects. Guidelines, standards, and monitoring systems will be developed by the central office.

d) System and policies for hiring/ screening throughout ISKCON (who stays in our ashrams, works for us, teaches in our schools) See "Screening" section #10

Notes:

1. We currently have an office for the USA and Canada, and an office for Europe (although there are problems due to language and the sheer num-ber of temples served by the European office.) But as mentioned earlier, Muralivadaka prabhu who has been coordinating effort in the USA and internationally, is stretched to the maximum and has expressed a strong de- sire to focus on other areas in education.

Dharmaraj prabhu who has been coordinating cases in both Western and Eastern Europe is overwhelmed by the sheer scope and volume of work and has been trying to do this job on the side, whenever he has been able to eke out some extra time.

We urgently need regional offices for Africa, Australia, S. America, India, Asia. A central office and executive director can work with local GBCs to develop these and to provide the training and reference material needed.

2. Currently there are some schools ostensibly operating as ISKCON schools, but with no child protection training in place, and little, if any monitoring or supervision. Children abused in these schools transfer to other ISKCON schools or projects and themselves become abusers. This cycle must be bro-ken if we are ever to get this problem under control.

********** 11. JUSTICE SYSTEM FOR FUTURE CASES

(The previous justice system outline was for handling old cases of abuse. What follows is a step by step outline for dealing with current and future abuse cases)

a) Degrees of offense:

Misdemeanors:

(to be handled at the local level...by the local CPT and temple president)

Definition: 1. neglect that does not result in serious injury to the child as in requiring hospitalization or medical attention or causing long lasting psychological damage. 2. age inappropriate corporeal punishment where no serious injury resulted 3. isolated, non-chronic event of over-punishment that did not result in serious injury. 4. precursors to sexual abuse, i.e., the "private parts" were not touched but the child's body space was violated with the clear intent of being sexual if the progression had not ceased. (For example, the legs were caressed. It is a misdemeanor as long as there was no threat, coercion, intimidation, or psy-chological trauma to the child. 5. one time isolated incidents of psychological abuse that did not result in any long term damage to the child or involve sadism.

b) Felonies:

1. neglect that results in serious injury 2. over punishment that results in injury 3. sexual abuse including kissing, fondling, voyeurism, exhibitionism, oral sex, sodomy, pornography, forced masturbation, and intercourse. 4. physical abuse that happens more than once and/or causes injury 5. psychological abuse that happens repeatedly and causes emotional harm 6. rape

c) In countries where there is a responsive justice system:

Almost every legal system mandates that any individuals, and certainly any care providers (family, guardians, doctors and nurses, teachers, priests, etc.) who have good reason to suspect abuse, must report it immediately to local authorities....to the police, if the suspected abuser is outside the family, or to the Dept. of Family Services or a similar agency, if the suspected abuser is a member of the family or the chief care provider for the child.

d) In either case (responsive outside legal system or only ISKCON system) suspected abuse must also be immediately reported to local CPT....if no CPT, then contact regional ISKCON child protection office...if no regional office, contact central office.

e. If potential immediate further harm to victim...child must be protected.... If potentially other victims....the alleged abuser must be sequestered/ segre-gated from children or from being able to intimidate witnesses.

f. Until a police investigation and/or a trial and verdict, the local CPT (or in absence of a local CPT, directions from the chain of command described above in 15.d , in absence of local CPT) determines the interim protection requirements for alleged victim and restrictions on alleged abuser.

g. These interim guidelines may include a temporary suspension of the accused's position/ service. They may include an interim restriction on attending temple functions or living on ISKCON property.

(As a standard practice police, the medical profession, educators, even lawyers, suspend accused members until they have gone through a process to either clear their name or establish guilt. What is recommend here is not ex-treme but rather standard operating procedure in these situations.)

h. Local TP and GBC should support and help enforce the interim decision of local CPT. If there is disagreement, the parties can contact the central office executive director for consultation. The recommendation of the executive director must be followed.

i. Local CPTs always report to regional office (or central office if there is no regional office) That office consults with and directs the local CPT as to whether or not the case requires further action.

j. Local CPT must follow directions from regional or central office

k. If the case is serious enough, the regional CPT or central office guides local CPT in the investigation, protecting alleged victims, sequestering alleged abuser etc.

l. Regional office or central office may send in investigators for local CPTs inexperienced or in need of help.

m. CPTs and members of regional and central office are trained about confi dentiality...central office to provide guidelines and standard forms. (See appendix #3)

n. If local CPT and regional/central office conclude that there is sufficient substance to the allegation, and that the alleged victim is credible....alleged abuser must be "assessed". (Same standard as with justice system for past abuse....accused abuser pays for assessment unless inability to pay is confirmed. Then central office will arrange to pay for assessment.)

o. Local CPT is responsible to be sure that all the investigation documents in the case are delivered to the central office. The executive director of the central office guides the case into the justice system.

Note: In addition to the above guidelines for "misdemeanor" and "felony" offenses, Yasoda will prepare guidelines for the central office on degrees of seriousness, i.e. which cases should go on to the justice system and which cases can be best handled with a warning or local assistance and training.

********** 12. VARIATIONS:

#1. When abuser admits guilt but then leaves ISKCON (also what happens if he/she returns to ISKCON later): _____

a) If accused abuser admits guilt and leaves ISKCON...the local CPT and regional/ central office completes the investigation and files a report with the central office. There is no need to spend time and money on taking case through justice system...as the abuser may never resurface in ISKCON....but the record is on file, for the sake of the victim and in case the abuser again re-surfaces in ISKCON.

b) If admitted abuser does return to serve anywhere in ISKCON, case is re-opened (this is why it is important that CPT finishes it work and files a report...and that the central office saves the report.)

c) Additionally, the abuser must first pay for a current risk assessment. The local CPT and central / regional office will set guidelines regarding his/her association with ISKCON for interim...until a decision is made by the central office and or the justice system.

d) Central office, on basis of an assessment, may determine that the con-firmed abuser requesting to serve in ISKCON is too much of a risk and therefore the central office may deny the person access or the central office may prescribe any number of restrictions and guidelines. If the confirmed abuser is not satisfied with this decision he/she may request to have a hearing. The report previously filed by the local CPT is given to a panel of judges, a hearing is arranged, and the process follows the previously described outline.

e) However, the judges may, at his/her own discretion, may agree with the central office that a trial is not necessary and the directions of the central office are to be followed (in other words, the request for a hearing by the abuser may be denied).

(The principle is that one should not be able to admit guilt to abuse, leave ISKCON, then return later on, thus avoiding a sentence being handed down.)

f) The abuser in this example is also allowed the same process of appeal there for other confirmed abusers, the first to be made five years after the decision made by the central office and or judges as outlined above.

#2. When the alleged abuser leaves ISKCON, without admitting guilt, and before there is a hearing, and then re-surfaces later:

a) At the time of the initial abuser report, the local CPT and regional/ central office complete the investigation and file a report with the central office. There is no need to spend time and money on taking case through justice system...as the alleged abuser may never resurface in ISKCON....but the record is on file. Again, the importance of the local CPT following through with a thorough report, filing it with the central office, and the central office keeping these reports, is confirmed.

b) If and when the alleged abuser returns to ISKCON, the case is re-opened.

1. Additionally, he/she must first pay for a current risk assessment.

2. The local CPT and central / regional office will set guidelines regarding the alleged abuser's association with ISKCON for interim...until a decision is made by the central office and or the justice system.

c) The case is then processed like any other allegation of abuse...from the local CPT, to the central office, referred by the central office to the justice system...and then into the hearing and final judgment phases.

#3. When someone is convicted of child abuse in a civil or criminal court (before coming to ISKCON or after having left ISKCON)

a) They must to have a risk assessment (at their own expense) and they must provide police and court records of their case.

b) The above are submitted to the central office, and the director, in con-sultation with other ISKCON health professionals, will recommend the de-gree of service and association appropriate. They have the option of modi-fying the standard restrictions (Example: if a man was convicted of physical abuse fifteen years ago....one time beating his step-son....assuming no other incidents and a positive risk assessment, some modification might be in order.)

The central office also has the option of restricting the abuser of any associ- ation with ISKCON.

c) If the confirmed abuser is not satisfied with the decision of the central office, they can appeal it as per the guidelines given here in section #9 "Appeals" and section #10 "Re-instatement".

d. Note: Based on the individual history of the convicted abuser, ISKCON may or may not provide assistance. Example: if the abuser was originally abused by an ISKCON official or when under ISKCON's care, ISKCON may feel the moral obligation to aid with the counseling of such an individual, even while restricting their access to ISKCON.

#4. All decisions by the Central office, where there is not a decision by a panel of judges, must also be in writing, explaining the logic of the central office's decision and guidelines.
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13. TEENAGE ABUSERS

One fourth to one third of all sex offenses involve teenage offenders. Adult offenders who were interviewed retrospectively have shown that the average age at which offenders begin their deviant acts is fourteen. It is very important to try to break the cycle of offense. One third of victims who were sexually abused will

unfortunately go on to abuse others. It is extremely painful for a parent to be told that their child has a sexual behavior problem. Denial and minimization of the act is to be expected. At the same time, teenage abusers should be handled differently than adult abusers and every effort should be made to help them break this vicious cycle.

a) Local CPT investigates the allegations using two people for all interviews. The session is tape recorded with the permission of the interviewee. If it is not tape recorded , verbatim notes are taken. The parents of the alleged victim and offender are informed that the CPT has received a referral and that an investigation is necessary. The alleged victim is interviewed first.

CPT with regional/central office investigates report...determines validity of the claim, nature of offense, local legal requirements on reporting etc. Efforts should be made to see if there are other, unreported victims of the abuse.

If the CPT concludes that abuse has in fact occurred:

b) Appropriate reports are filed with Child Protection Services of the Depart-ment of Social Services and with the police. Please note that the referral may not be accepted by DSS for investigation since most DSS's only have juris-diction over cases involving parents and/ or caretakers as well as schools and daycare centers. The police may only get involved if the victim's parents wish to press charges. It is quite possible that neither the DSS or the police will be involved and the case will be an internal ISKCON matter.

c) The local CPT notifies the local temple president, local GBC, and local gurukula if the alleged offender is a student or has access to the students.

d) The case is reported to the police (in countries where there is a justice system which responds to child abuse reports) if the parents of the alleged victim want to file charges.

e) The CPT in consultation with central office, local temple president, local GBC, director of local gurukula designs a Supervision Contract between the parents of the abuser, the abuser personally, and the local ISKCON temple.

f)The parents of the offender must agree to the terms, if their child is to have any access to or involvement in ISKCON activities/ facilities.

g) The supervision contract specifies how the alleged offender's access to the victim(s) should be restricted...to avoid more abuse and to minimize emotional trauma for the victim(s). It should specifies how the perpetrator will be supervised to protect other children. For example, it might read "No sleepovers" or "no unsupervised play dates" or "No attendance at any Temple function without strict supervision. " This contract should be in effect until the teen is evaluated by a specialist in adolescent sexual behavior problems. It may be revised accordingly after evaluation and risk assessment.

See appendix #4 for basic elements of a supervision contract

h) The parents of the abuser must take their child to an health professional trained in the field of adolescent sex offenders for evaluations, risk assess-ment, and treatment/counseling.

i) If treatment is recommended by a specialist in adolescent sexual behavior problems, the parents of the abuser must agree in writing to see that their child obtains and attends such counseling sessions. Failure to do so will automatically bar their child from involvement in and or attendance at any ISKCON function.

j) The CPT should establish a mood of compassion yet clearly maintain the necessity for protective intervention for both the victim and the offender. . All good faith efforts to avoid stigmatization should be made. The families of the victim and the abuser will both need community support.

k) If a teenager perpetrator was previously abused by an ISKCON authority or while under ISKCON's care, ISKCON has a moral obligation to help with the teenager's counseling.

Note: Reference material needs to be produced by the central office on the special handling of teenage abuse cases. We need to protect against future abuse while trying to avoid scarring the teenager for life. ISKCON commun-ities needs guidance in how to be compassionate while at the same time being cautious and taking the necessary steps to avoid future abuse.

****

14. FUNDING ESTIMATE:

********** Budget estimates for first year:

1. Central office....

Director...$24,000 a year (To do the job requires a full time, qualified person) (An alternative is to find someone with independent financing, or to base the office where we can provide housing etc. for free.)

Secretary....$18,000 a year (same as above) For all practical purposes, secretary and director should be in the same place

*Office equipment....$5,000 (phones, fax, computers, printer, files, etc.

Rent on office space....$6,000 ($500 a month) Again, can we base this where rent is free?

Phone bill.....$4,000 ($300 a month)

Office supplies etc.....$2,400 ($200 a month) _____

Seminars and literature from Central office:

Research, reference material, printing, mailing.....$6,000

Training seminars for CPTs. Seminars at GBC/ TP meetings.....$2,000

_____

Central Office Total.....$67,400*

*Can be greatly reduced by finding qualified volunteer staff or arranging free room and board)

Note: A Central office with full time, competent staff, is essential for success. It is the hub on which all the other spokes of this system rest. _____

2. For dealing with past abuse:

a) Investigators....We need a minimum of four investigators. We can save significantly if we can find qualified brahmacaris or householders who have income or free maintenance and therefore can volunteer their time free of charge. Our hope is that ISKCON gurus and GBCs will look for qualified candidates and encourage and support them in this effort.

Their duty is to investigate the facts of the case, interview witnesses, coor- dinate reports by local child protection teams etc.

Cost of investigators.....$0....We are assuming volunteers or devotees assigned to the task by their gurus or GBCs can be found. Members of the Task force, in tandem with the central office, are also willing to help as investigators as time allows.

Training seminar for Investigators....Yasoda will volunteer her services for free. Airfares and training material, meeting supplies.....$4,000

Travel expenses for four investigators.....$12,000 total ($3,000 each)

Phone costs for investigators....$3,600 each ($300 a month)

Note: Wherever possible we will try to organize investigators and case by geographical region...to keep costs down) _____

b) Judges.....Our thought is that they will volunteer their time, being encour- aged to do so by their local GBC and guru. Therefore the costs will consist only of travel and phone calls.

Estimate of ten cases.....

Travel.....$10,000

Conference and research calls etc.....$3,000 ($200 to $300 per call)

_____

c) Assessment fund....to pay for the accused's risk assessment, when they cannot or will not pay for it themselves.

Cost: $15,000

We estimate 10 cases ($500 for assessment, $1000 maximum for travel etc. so $1500 per case for a total of $15,000) We may not spend all of this as some accused will be found guilty, ordered to re-imburse court fees, and actually do so. But a certain percentage will not have the means to do so, or will refuse to.

_____

d) Witnesses etc.

1. All testimony will be submitted in writing or via video or audio tape. Questionnaires will be developed by judges and central office for each case.

2. Alleged victim and accused can both send questionnaires to each other, ("depositions") the responses then to be submitted as evidence before the judges.

3. At the discretion of the judges, the judges may request to personally interview either the alleged victim, accused, and or witnesses. This will not be the rule but an option in special circumstances. Fund for air fares for such special witnesses.....$4,000 _____

e) Expert witnesses etc.....$7,000

In complex cases, multiple alleged victims, there may be the need of additional and expert witnesses and psychological assessments etc.

_____

f) Insurance for judges, task force, central office staff.....against potential suits filed by disgruntled alleged victims and/or alleged abusers. (It may be hard to get good staff without this.)

$2,000 estimate...exact amount to be researched by central office

---

*** Total Cost for Processing claims of past abuse.....$60,600

---

g) Counseling $40,000

Note:

For confirmed victims, where convicted abuser cannot or will not cover cost of basic counseling, we estimate $2,000 per victim. This is the minimum wer can provide and still have it be respectable and reasonable....and even then only when combined with government provided services and augmented with help from volunteer ISKCON health professionals. We estimate at twenty victims who will need this level of counseling, so the total required will be $40,000.

Some sentences will oblige convicted abusers to help with their victim's counseling. Some victims will need more than the estimated $2,000 per victim so this income and added expense should balance each other.

****

TOTAL COST FOR THIS PROPOSAL:

(CENTRAL OFFICE AND SETTLING CASES OF PAST ABUSE)

$168,000

********** Note: Obviously, the big question is, "Where will the money come from?" Having considered a number of options, what seems the most reliable and equitable suggestion is a surcharge added to the cost of books sold by the various BBTs internationally. The reasons:

1. The BBT sales are the largest and most steady source of income in ISKCON.

2. Fund raising drives are already being done for "Children of Krsna" and perhaps soon for other educational projects. There are serious questions over how much additional income can be raised for this system, and how quickly those funds might come in. (Perhaps a fund raising campaign could be mounted simultaneously....the funds raised via the proposed BBT per book surcharge could be used only to augment any short fall from the fund raising effort.)

3. A surcharge per book would be added revenue, thus not diminishing the current cash flow to the Mayapur project.

4. The cost of this system would be thus shared by temples worldwide. The problem exists worldwide, fixing it should be a shared responsibility. Spread worldwide, the impact of paying for this system would not be felt too heavily on any one individual entity.

5. The importance of resolving this problem, and the enormous risks if we do not, warrant this extraordinary measure of the proposed book sur- charge.

Rationale:

This is the most essential and most difficult part of this whole exercise. With-out the funding to do this right, the result will be poor (if it even gets off the ground). If we are to have the respect of the devotees and the general public that ours is a credible effort then it will take money and sustained endeavor by quality people. There is just no other way around it.

The old adage, "An ounce of prevention is worth a pound of cure" is ap-propriate here. We should keep in mind the cost of not doing this.....the legal fees and fines from even one abuse case. How do we put a price on of the damage done to our public image and reputation? How many donations not given, how many intelligent talent people who avoid the association of ISKCON?

Finally, it is the right thing to do. Stepping up and taking responsibility for this will greatly improve the moral character of ISKCON and increase the faith and enthusiasm of all our members

To add to the urgency, for those who think that we can just go on as we are at the moment, Muralivadaka prabhu and Dharmaraj prabhu are doing the best they can, in addition to their many other duties, but they are daily falling behind even trying to keep track of the current case load of new abuse reports. Both Muralivadaka prabhu and Dharmaraj prabhu insist that they cannot keep going at this pace. (Muralivadaka prabhu is probably going to be lost completely from this effort, as he has many other demands on his time and a burning interest to focus his attention full time on the educational field. Dharmaraj prabhu has been doing his work, on BBT time, but that cannot go on forever.)

This means that in 1998 we may have no one....I repeat, no one....to monitor, record, advise, or coordinate efforts for child protection in ISKCON.

We do not have a handle of current abuse (the damaged lives and law suits of the future) We have next to nothing in the way of a preventative system, and the cases of past abuse are seething and fermenting under the surface. We have been given by Krsna a window of opportunity to turn the corner on this issue. If not, the books, newspaper articles, and law suits are out there, building and waiting to fall. (This is not just a some emotional scare tactic...the author of "Betrayal of Faith" is already working on the the draft of her next book, "Schools of the Demons" .

****

15. GBC RESOLUTIONS REQUIRED:

a) Decisions of judges is final. No appeal process except as outline in this proposal.

b) GBC chair is responsible to see that decisions are enforced and will issue time limits for verdicts to be enacted. Local GBCs and temple presidents are to help GBC chair in implementing these verdicts.

c) Local GBCs and temple presidents are obliged to work in tandem with the director of the central office to see that verdicts of this system are carried out...if individuals named are in their area of responsibility.

d) Failure to assist as outlined in "b" and "c" will result in censures....as described in existing GBC resolutions. In such cases, the GBC executive commitee can then intercede and direct the local temple president and local GBC etc to implement these verdicts and standards.

e) It is every GBC's duty to be sure there are active and trained CPTs in place at the temples/ projects/ schools under their supervision...with help and re-minders from central or regional office

f) Until a police investigation, trial, and verdict...and or a case has gone through ISKCON's child protection court system the local CPT, with guid-ance and confirmation from the regional or central child protection office, determines the interim protection requirements for alleged victim and restric-tions on alleged abuser. The local leaders and GBC must respect and help implement those guidelines.

g) Anyone convicted of child abuse (in our system, or before coming to or while outside ISKCON via a civil or criminal court) cannot live on ISKCON property and cannot hold any authority position in ISKCON...guru, GBC, temple president, regional secretary, member of the board of directors of an ISKCON corporation etc. They cannot hold any fiduciary role or perform any priestly functions.

Modifications of the above and the appeal process can be found in section #9 "Appeal Process", section #10 "Re-instatement Process, and in section #15/ "Variations".

Please note, this proposed system removes the current GBC resolution of a a 3/4 vote of the householders being the criteria for deciding whether a con-victed abuser can live on ISKCON property. (From experience, those work- ing this field have found that method to be fraught with faults and complica-tions.)

h) All ISKCON leaders (GBCs, gurus, temple presidents, project directors and managers etc.) are obliged to follow the guidelines for screen those who live on ISKCON property and serve with our temples, schools, farms, and other projects.

i) To facilitate the implementation of this proposal, the Task force's mandate will be extended for one more year (until April 31st, 1999). During that time the members will also work with the central office to further develop the stan-dards and systems required to accomplish the goals of this proposal.

j) The task force, in consultation with the director of the central office, may find that additional standards, guidelines, and resolutions are required to implement and improve this proposed system. Those additional standards, guidelines, and/ or resolutions will be reviewed by the GBC executive com- mittee first, and with the GBC executive committee's approval, they will be- come provisionally binding on all ISKCON members, until they are reviewed and accepted, revised, or rejected at the next annual GBC meeting or GBC e-mail voting session....whichever method is selected by the GBC executive committee

Note:

The above are the powers requested in this proposal. They can be listed as individual resolutions, or the final proposal can be approved in total, thus in-cluding all of them in one package. They are sketched out below for easy review.

Without the means to be sure this system is implemented and respected, again, the whole exercise will be useless. The following resolutions are essen-tial to our success in cleaning up this problem. We can have the best system in the world on paper...but if we don't have the means and backbone actually carry it out, what is the use? We must have the means and authority to en-force the above standards and guidelines.

********** END **********

16. APPENDICES

#1. Staff screening forms #2. Normative stages of child sexual development #3. Confidentiality form for members of child protection teams #4. Sample of Supervision Contract

********** Appendix 1.....Screening forms

Primary Screening Form for Children or Youth workers

International Society for Krsna Consciousness of Alachua Inc. This application is to be completed by all applicants for any position (volunteer or compensated) involving the supervision or custody of minors. This is not an employment application form. Persons seeking a position in the temple or school as a paid employee will be required to complete an employment application in addition to this screening form. It is being used to help the temple and school provide a safe and secure environment for those children and youth who participate in our programs and use our facilities. Personal Date_____

Name_____ _____ _____ last
first middle

Identity must be confirmed with a state driver's license or other photographic identification. Present address: _____

City _____ State _____- Zip _____

Home Phone ( ) _____

Please indicate the type of youth or children's work you prefer _____

Please indicate the date you would be available to begin _____

What is the minimum length of commitment you can make? _____

Have you ever been convicted of or pleaded guilty to a crime? ____ yes (If yes, please explain -(attach a separate page, if necessary)_____

____ no

********** page 2

Were you a victim of abuse or molestation while a minor? ___yes

___no

If you prefer, you may refuse to answer this question, or you may discuss your answer in confidence with the temple president or head master rather than answering it on this form. Answering yes, or leaving the question unanswered, will not automatically disqualify an applicant for children or youth work.

Do you have a current driver's license? ___yes If yes, please list your driver's license number _____ ___no

****

Primary Screening Form all applicants for residence, employment or volunteer work at the International Society for Krsna Consciousness of Alachua Co. Inc.

This application is to be completed by all applicants for any residence or position (volunteer or compensated) at the New Raman Reti Farm. Because of the fact that children are involved in every aspect of life at this ISKCON of ALACHUA Co. Inc. project it has been determined that persons living on, or working with, this project will inevitably be involved with minors. Each person applying for either residence or work is therefore being required to fill out this form. It is being used to help the temple and school provide a safe and secure environment for those children and youth who participate in our programs and use our facilities. Thank you for your cooperation

Personal Date_____

Name_____ _____ _____ last
first middle

Identity must be confirmed with a state driver's license or other photographic identification. Present address: _____ City _____ State _____ Zip _____ Home Phone ( ) _____

Please indicate the date you would like to begin residence/ work _____ d Check here in the event that you are already living/working on ISKCON of Alachua Inc.'s property, & please indicate date that you began to do so. _____

What is the minimum length of commitment you can make? _____

Have you ever been convicted of or pleaded guilty to a crime? ____ yes (If yes, please explain -(attach a separate page, if necessary)_____

____ no ********** page 2

Were you a victim of abuse or molestation while a minor? ___yes

___no

If you prefer, you may refuse to answer this question, or you may discuss your answer in confidence with the temple president or head master rather than answering it on this form. Answering yes, or leaving the question unanswered, will not automatically disqualify an applicant.

Do you have a current driver's license, passport, or Gov't issued ID card? ___yes If yes, please list the identification number _____ ___no

Temple/Gurukula or Prior Work History

Name of the temple, (and temple president), at which you currently serve.

If you do not live at a temple give name of landlord, or the person with whom you are living.

List temples that you have attended or served in regularly during the past five years. Temple address temple president

List all previous work for the last five years (list the employer's name and address, type of work performed, and dates) _____ page 3

List any work or training that has been specifically in regards to youth.

Personal References (not former employers or relatives)

Name _____ Name _____ Address _____ Address _____ City _____ State _____ City _____ State _____ zip_____ zip _____ Telephone _____ Telephone _____

The information contained in this application is correct to the best of my knowledge. I authorize any references or temples listed in this application to give you any information (including opinions) that they may have regarding my character and fitness for work in close proximity to children or youth. In consideration of the receipt and evaluation of this application by ISKCON of Alachua Co. or

_____ School, I hereby release any individual, temple, youth organization, charity, employer, reference, or any other person or organization, including record custodians, both collectively and individually, from any and all liability for damages of whatever kind or nature, which may at any time result to me, my heirs, or family, on account of compliance or any attempts to comply, with this authorization. I waive any right that I may have to inspect any information provided about me by any person or organization identified by me in this application

Should my application be accepted, I agree to be bound by the Bylaws and policies of the International Society for Krsna Consciousness of Alachua Co. and/ or _____ _____ school, and to refrain from unscriptural conduct in the performance of my services on behalf of the temple/school.

I further state that I HAVE CAREFULLY READ THE FOREGOING RELEASE AND KNOW THE CONTENTS THEREOF AND I SIGN THIS RELEASE AS MY OWN FREE ACT. THIS IS A LEGALLY BINDING AGREEMENT WHICH I HAVE READ AND UNDERSTAND. Applicant's Signature _____ Date _____

Witness or Notary _____ date _____

********** Request for Criminal Records Check and Authorization

I hereby request the _____ Police Department to release any information which pertains to any record of convictions contained in its files or in any criminal file maintained on me whether local, state, or national. I hereby release said Police Department from any and all liability resulting from such disclosure.

Signature _____

Print Name _____

Print maiden name if applicable _____

Print all aliases _____

Date of birth _____

Place of Birth _____

Social Security Number or Passport and visa number

Today's date _____

Record sent to: Name _____
Address _____ page 4 of 4

reference Contact Form ------ Confidential

Record of contact with a reference or Temple identified by an applicant for youth or Children's Work

Name of Applicant _____

Reference or temple contact (if a temple, identify both the temple and the temple authority contacted)

Date and time of contact _____

Person contacting the reference or temple _____

Method of contact (e.g. telephone, letter, personal conversation) _____

Summary of conversation (summarize the reference's or minister's remarks concerning the applicant's fitness and suitability for work with children and youths.)

Legible Signature _____

Position _____

********** end **********

Appendix 2 "Stage of Normal Sexual Development"

(These are the guidelines considered "normal" by modern child development experts. It is not that ISKCON condones these acts but includes this list to give some guidance as to the line where inappropriate sexual behaviour and abuse begin.)

STAGES OF NORMAL SEXUAL DEVELOPMENT Ages 0 - 5

*likes to be without clothes * masturbation as a self-soothing activity or excitement * curious about other peoples bodies *exploratory looking and touching, usually with giggling explores differences between the sexes *takes advantage of opportunity to look at nude people *asks about babies, breasts, genitals, sex *increasing interest in bathroom functions *erections *interested in birthing a baby *uses "dirty" words for bathroom or sexual functions *in- terested in own excrement * plays doctor *puts something in the rectum or genital of self or others for curiosity or exploration.

Ages 6 - 10

*Playing "doctor" or "I'll show you yours if you'll show me mine * boys com- pare penis size * interest in sex words and dirty jokes *limited interest in the opposite sex * asks sexual questions * peeks at people going to the bathroom * shows others his/her genitals * interest in defecation and urination * touches or rubs own genitals when going to sleep, tense, excited, or afraid * thinks other sex children are "gross" * wants privacy when changing or going to the bathroom. Ages 11 - 12

masturbation focused on establishing relationships with peers * sexual activity with peers including kissing and fondling * sexual activity with same sex (does NOT necessarily indicate homosexuality.)

HOW TO TELL IF THERE IS A SEXUAL BEHAVIOR PROBLEM?

1) Is the behavior normal for the child's age? 2) Are the children involved of relatively equal power? 3) Was force, coercion, or intimidation used? 4) Was the behavior kept secret? 5) Does the child seem obsessed with the behavior or is the behavior com- pulsive?

********** Appendix 3

Confidentiality agreement for Child Protection teams

CONFIDENTIALITY AGREEMENT

In order to: (1) preserve the confidentiality of reports, files, confer- ences, decisions and or investigations undertaken by the the child protection team (hereinafter "CPT"),

(2)create the optimum atmosphere for a fair and equitable reso- lution to cases brought to the attention of the CPT, and

(3) protect the integrity of the International Society for Krishna Consciousness, I, _____, who am a member of the CPT, agree as follows:

A. Anything said or any admission made in the course of any investigation undertaken by the CPT shall be kept private, i.e. amongst the CPT staff, and shall otherwise remain undisclosed in any manner by me (except for official communica- tions and releases approved by the CPT director)

B. No document prepared for the purpose of, or in the course of, or pursuant to, any investigation undertaken by the CPT shall be disclosed, copied, or transferred by me to anyone who is not a member of the CPT staff (except for official transmission, with prior approval of the CPT director)

C. Any information or knowledge of events gained by me through my work for the CPT shall not be used by me to injure the interests of the International Society for Krishna Consciousness or any individual who is the subject of any CPT activity;

I agree to the above with the understanding that the CPT Director bears the responsibility for making any disclosures of information which may be required by law.

Agreed to this _____ day of _____, 199_ at

_____.

_____ Staff Member

_____ CPT Director

****

Appendix #4

The CPT designs a Protective Safety Plan which includes:

1. supervision contract referred to above (items like "rule of three"...never alone with just one other child).

2. The alleged offender is to be evaluated and have a risk assessment done by a credentialed specialist in the field of adolescent sex offenders if at all possi- ble. If not, the teenager should go to a qualified mental health professional for an evaluation, an assessment of his/her level of risk to the community, and for treatment.

3. The parents of the alleged offender should allow the CPT to share the results of it's victim interviews with the offender evaluator so as to present a two-sided picture. This is to counteract the tendency of the offender to lie, or minimize his/her guilt. The adolescent sex offender professional will need the victim report in order to do the most credible job.

4. The parents of the victim and the parents of the offender should sign a release of information form so that the professionals on both sides of the case can consult with one another to do a comprehensive assessment and treatment plan. The CPT should be given a copy of the results of the assessments.

5. The CPT should consult with professionals and implement their sugges- tions.

Appendix P

Description: Child Protection Office Offender Chart, *pg. 19*

Offender	Year	Nature of Abuse	Adjudicating Body	Restrictions/Outcome
Hunkar Das	1976	Child Abuse	Srila Prabhupada	Initially banned from ISKCON. Eventually, Srila Prabhupada relented and allowed Hunkar Das to only attend Sunday Feast.
Dhanurdhara Swami	1985 and 1995	Child Abuse	GBC	Unknown
Gauri Das	1995	Child Abuse	GBC and ISKCON Ministry of Education	Unknown
Satadhanya Swami	1991	Child Abuse	ISKCON Board of Education	Unknown
Adiraja Das	Unknown	Child Abuse	Indian Leadership	Unknown
Mayapur Das	Unknown	Child Abuse	Legal System	Found guilty - imprisoned by local authorities.
Kurma Avatar Das	Unknown	Child Abuse	Legal System	Found guilty - imprisoned by local authorities.
Srutadeva Das	Unknown	Child Abuse	Legal System	Found guilty - imprisoned by local authorities.
Cidananda Das	Unknown	Child Abuse	Legal System	Found guilty - imprisoned by local authorities.
Laxmipati Das	Unknown	Child Abuse	Legal System	Found guilty - imprisoned by local authorities.

Appendix Q

Description: Rationale for Not Providing Case to Child Protection Office, *pg. 20*

These remarks are also in response to Badrinarayana's comments.

There are two reasons, in my understanding, why the case of Lokanatha Maharaja is being handled in this way.

1. It is grand-fathered in. This matter first came to GBC attention in 1994, long before the current mechanism was put into place, and a small committee decided how to deal with it: get a professional assessment, and then make a decision. This we did. Now things have dragged on in the matter of execution, but I can't see, having committed ourselves to dealing with the matter in a certain way, going back on that decision and starting the case all over again with a complete new system, even if that system is now the established system and has superior features.

2. This case has some special features. It happened in the private house of congregational members, not in a temple or gurukula. There is a major concern for confidentiality that derives from not from Lokanatha Swami but from the girl and her family. By the family's strong desire, the father of the girl to this day knows nothing about the incident. The other family members have kept him ignorant because he is extremely and dangerously violent. This man (who is an initiated disciple of Satsvarupa Maharaja) has a history of extreme domestic violence directed toward his wife and children. Because of this, the second-oldest son has managed to engineer affairs so that the father is now living separate from the rest of his family. In this matter, the girl and her family fear the rage of the father if he learns about it. It may be directed toward the girl (he may well blame her) or toward Maharaja, or toward both. ("We don't know what he would do.")
I believe the current system is such that the father would inevitably come

to know about this. Also, I suspect that to fully understand what happened with Maharaja in that household, the heavy milieu of extreme domestic violence would have to be investigated. As this family is in my congregation, I have gradually come to know--to my shock and horror--about
what had been happening, especially to the children. Since the father is separated and no one is in danger there is no reason to do anything.

Otherwise, I would do everything to report him to the authorities.

Appendix R

Description: Dhira Govinda Das's Email to Ijya Das, *pg. 20*

Subj: Lokanatha Maharaja
Date: Thursday, June 24, 1999 9:50:42 AM
From: Dgovinda
To: Ijyadasa

June 24, 1999

Dear Ijya Prabhu,

Please accept my humble obeisances. All glories to Srila Prabhupada.

I will be sending you several files regarding Lokanatha Maharaja. Please print all of these files for the case file (to be filed in chronological order). I expect to meet with Lokanatha Maharaja on June 28 or June 29, when he is in Alachua. Have an extra copy of everything that I'm sending you, in case we want to give a copy to Lokanatha Maharaja. Thanks. Hare Krsna.

Your servant, Dhira Govinda dasa

June 17, 1999

Please accept my humble obeisances. All glories to Srila Prabhupada.

Both of the reasons described by Ravindra Svarupa Prabhu for the case of Lokanatha Maharaja to not be processed through the regular investigative and adjudicatory systems of the Child Protection Office are very reasonable.

1) The case is grandfathered-in to a previously-defined process.
I think this is the only case that meets this criteria. Other cases, such as those of Dhanurdhara Maharaja and Nitai Chand Maharaja, were

investigated at various times, but at the time of the formation of the Child Protection Office there was no defined or accepted process for dealing with these cases. Regarding the case of Lokanatha Maharaja, Ravindra Svarupa writes "This matter first came to GBC attention in 1994,
long before the current mechanism was put into place, and a small committee

decided how to deal with it: get a professional assessment, and then make a
decision. This we did. Now things have dragged on in the matter of execution, but I can't see, having committed ourselves to dealing with the matter in a certain way, going back on that decision and starting the case all over again with a complete new system, even if that system is now the
established system and has superior features."

I agree that there's no good reason to reverse or reconsider the decision of the committee. For purposes of being able to respond to inquiries, it will be helpful if this Office can know who the committee members were (are). Also, what precisely was the decision of the committee?

2) Avoiding unnecessary disturbance to family members, and perhaps others.

The Child Protection Office has other cases like this, where the process of investigation itself is likely to cause disturbance that will almost surely outweigh any possible benefits with regards to justice or child protection. In such cases we don't pursue an investigation, and we inform the temple authorities in the immediate area where the alleged perpetrator resides about the situation, to ensure that children are appropriately protected.

Some questions I have:

Regarding the letter that Lokanatha Maharaja will have to show prospective disciples, will this letter be the resolution of the case? That is, will there be a separate, conclusive report, or will the disciple letter include and constitute the report?

What is the expected, approximate time frame for the disciple letter to be finalized, as well as any other documentation that will serve to

Appendix S

Description: Anuttama Das's Email to Ravindra Svarupa Das, *pg. 26*

Subj: Lokanatha
Date: Monday, January 1, 2001 7:42:21 PM
From: Anuttama.ACBSP@pamho.net
To: Ravindra.Svarupa.ACBSP@pamho.net,
Dhira.Govinda.DG@pamho.net

From: Anuttama.ACBSP@pamho.net (Anuttama (das) ACBSP
(IC N.America))
To: Ravindra.Svarupa.ACBSP@pamho.net (Ravindra Svarupa
(das) ACBSP (Philad. - USA)),
Dhira.Govinda.DG@pamho.net (Dhira Govinda (das) DG
(Alachua, FL - USA))

Dear Ravindra,

We discussed Lokanatha's case briefly the other day on
the phone. As I
understand it from a conversation I had later with
Dhira Govinda, this is
the main problem:

He says that no final decision was ever made, or at
least ever publicized or
sent to him officially. That puts him/us in the very
difficult and
compromised position of not being able to definately
say WHAT the
ISKCON's/GBC decision was.

He says that the process that was followed was
fine--the professional
review, Yasoda investigating, etc. He doesn't want to
"open up" the case
again, just to have a definitive statement what was
done, and to assure that
it is being followed and enforced.

Apparently, BKG told him a LONG time ago that a
written decision was coming
and that (I think) you were doing it. Obviously you
are very busy but
someone needs to complete this case, or it looks like
nothing was done and
the GBC is protecting one of its own. People DO know
of that accusations and
impropriety. What they do NOT know is clearly what was
done.

If there isn't time to write something, then perhaps
the elements of it SHOULD be handed to the CPO and they can put it
together as a official report/statement what was done prior to the CPO's
existance.

There have been many exchanges with Dhira on this,something should be
completed.

Your servant, Anuttama dasa

Appendix T

Description: Bhagavata Gita Chapter 9 Text 30 and Text 31, *pg. 34*

Bg. 9.30

अपि चेत्सुदुराचारो भजते मामन

wholesome condition. He knows that perfection in his activities depends on his progressive realization of Kṛṣṇa consciousness. Sometimes, however, it may be seen that a person in Kṛṣṇa consciousness commits some act which may be taken as most abominable socially or politically. But such a temporary falldown does not disqualify him. In the *Śrīmad-Bhāgavatam* it is stated that if a person falls down but is wholeheartedly engaged in the transcendental service of the Supreme Lord, the Lord, being situated within his heart, purifies him and excuses him from that abomination. The material contamination is so strong that even a *yogī* fully engaged in the service of the Lord sometimes becomes ensnared; but Kṛṣṇa consciousness is so strong that such an occasional falldown is at once rectified. Therefore the process of devotional service is always a success. No one should deride a devotee for some accidental falldown from the ideal path, for, as explained in the next verse, such occasional falldowns will be stopped in due course, as soon as a devotee is completely situated in Kṛṣṇa consciousness.

Therefore a person who is situated in Kṛṣṇa consciousness and is engaged with determination in the process of chanting Hare Kṛṣṇa, Hare Kṛṣṇa, Kṛṣṇa Kṛṣṇa, Hare Hare/ Hare Rāma, Hare Rāma, Rāma Rāma, Hare Hare should be considered to be in the transcendental position, even if by chance or accident he is found to have fallen. The words *sādhur eva,* "he is saintly," are very emphatic. They are a warning to the nondevotees that because of an accidental falldown a devotee should not be derided; he should still be considered saintly even if he has accidentally fallen down. And the word *mantavyaḥ* is still more emphatic. If one does not follow this rule, and derides a devotee for his accidental falldown, then one is disobeying the order of the Supreme Lord. The only qualification of a devotee is to be unflinchingly and exclusively engaged in devotional service.

In the *Nṛsiṁha Purāṇa* the following statement is given:

bhagavati ca harāv ananya-cetā
bhṛśa-malino 'pi virājate manuṣyaḥ
na hi śaśa-kaluṣa-cchabiḥ kadācit
timira-parābhavatām upaiti candraḥ

The meaning is that even if one fully engaged in the devotional service of the Lord is sometimes found engaged in abominable activities, these activities should be considered to be like the spots that resemble the mark of a rabbit on the moon. Such spots do not become an impediment to the diffusion of moonlight. Similarly, the accidental falldown of a devotee from the path of saintly character does not make him abominable.

On the other hand, one should not misunderstand that a devotee in transcendental devotional service can act in all kinds of abominable ways; this verse only refers to an accident due to the strong power of material connections. Devotional service is more or less a declaration of war against the illusory energy. As long as one is not strong enough to fight the illusory energy, there may be accidental falldowns. But when one is

strong enough, he is no longer subjected to such falldowns, as previously explained. No one should take advantage of this verse and commit nonsense and think that he is still a devotee. If he does not improve in his character by devotional service, then it is to be understood that he is not a high devotee.

Previous Next

Thanks to Jayadharma das; Rhidima Saxena; Saroja; Gostabihari das & Mahavisnupriya dasi; Satish Santhanam; Akiralali; Sachin; Amala-bhakta Swami - www.amalbhakta.com; Radhapati Das; Aishwarya Balaraj; Yogendra Sharad Puranik; Indradyumna Swami; Krishna & Family; Thomas; Geetanjali Nath; Mario; Joeie; Susheela and Rama Krishna Reddy Patlolla; Jai Devaki Parks; Ashmi Chakraborty; Hari-kirtana das; Ramesta das; Prasad Buddhavarapu; Harakumara dasa; Kresna Sucandra; Late Mr. S. Sundaram; Esekiel Jaggernauth; Isvari Priya DD & Lokadhyaksa dasa and all others for supporting this site.

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Bg. 9.31

क्षिप्रं भवति धर्मात्मा शश्वच्छा

process is already there in the heart of the devotee, due to his remembering the Supreme Personality of Godhead constantly. Therefore, the chanting of Hare Kṛṣṇa, Hare Kṛṣṇa, Kṛṣṇa Kṛṣṇa, Hare Hare/ Hare Rāma, Hare Rāma, Rāma Rāma, Hare Hare should be continued without stoppage. This will protect a devotee from all accidental falldowns. He will thus remain perpetually free from all material contaminations.

Previous Next

Thanks to Jayadharma das; Rhidima Saxena; Saroja; Gostabihari das & Mahavisnupriya dasi; Satish Santhanam; Akiralali; Sachin; Amala-bhakta Swami - www.amalbhakta.com; Radhapati Das; Aishwarya Balaraj; Yogendra Sharad Puranik; Indradyumna Swami; Krishna & Family; Thomas; Geetanjali Nath; Mario; Joeie; Susheela and Rama Krishna Reddy Patlolla; Jai Devaki Parks; Ashmi Chakraborty; Hari-kirtana das; Ramesta das; Prasad Buddhavarapu; Harakumara dasa; Kresna Sucandra; Late Mr. S. Sundaram; Esekiel Jaggernauth; Isvari Priya DD & Lokadhyaksa dasa and all others for supporting this site.

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Appendix U

Description: Excerpts from Srila Prabhupada's Conversation in Columbus, Ohio and Madras, India, *pg. 35*

Columbus, OH – May 10, 1969

Prabhupāda: Well, when one is a professional, there may be something wrong. That doesn't matter. But you try to discharge your duties rightly, whatever you are prescribed to do. Then everything will come to the right point. Your only business is to follow the four principles of regulative life and chant Hare Kṛṣṇa sixteen rounds. So there may be sometimes mistake. That will be corrected automatically.

Because we are coming from a different platform, so it may be. That is also said in the *Bha... Api cet su-durācāro bhajate mām ananya-bhāk, sādhur eva sa mantavyaḥ* [*Bg.* 9.30]:

[Even if one commits the most abominable actions, if he is engaged in devotional service, he is to be considered saintly because he is properly situated.]

"If one is found doing mistake or doing something wrong, but because he is sticking to this principle of Kṛṣṇa consciousness, he is *sādhu.*" *Sādhu* means a holy man. He is holy. He is not doing any wrong consciously, but due to habit...

Suppose just like most of you were, in your former life, you were smoking or taking intoxication. But by some influence, if you sometimes take to it, yes, if you are conscious, "Oh, I have done wrong," but that is excused if you have done unconscious. But if you think that "Now I am Kṛṣṇa conscious. Whatever I do, it is right," then it is great sin. But accidentally it happens—that is excused—never mind.

So accidental mistake is not dangerous. Willful mistake is dangerous. That we should be careful. We should be very careful always so that accidental mistakes also may not take place. But if it takes place, it is excused.

Madras, India – January 09, 1976

Mahāmśa: He falls down due to certain offenses, but afterwards, by the mercy of a pure devotee, he comes back. Because he has tasted the nectar of devotional service, he may try to enjoy the material world for some time. But afterwards he will be fed up again and come back.

Tamāla Kṛṣṇa: There's a statement in the *Bhagavad-gītā* that if one is engaged in the service of the Lord, even if he falls down, he is to be considered saintly. *Sādhur eva sa mantavyaḥ* [Bg. 9.30].

Prabhupāda: Yes, if it is accidental. If it is purposefully, then he is not saintly; then he is offender.

Devotee (3): Accidentally means that *māyā*...

Prabhupāda: Accident... He had former habit, and unknowingly he has done something wrong. That is accident. That is explained by Bhaktivinoda Ṭhākura. Not purposefully doing wrong. That is *aparādha. Nāmnād balād yasya hi pāpa-buddhiḥ.*

Appendix V

Description: 2006 Child Protection Office Policy and Procedures Handbook, *pg. 37*

Child Protection Policy and Procedures Handbook

(Document formerly titled *ISKCON Task Force Report*)

ISKCON Central Office of Child Protection

Revised at Ratified by the
ISKCON GBC
March 2006

Child Protection Policy and Procedures Handbook March 2006

****
CHILD PROTECTION IN ISKCON
****

Contents:

1. Definitions of types of Abuse
2. Allegations of Past Abuse
3. Justice System
4. Sentence / Penalty phase
5. Appeal Process
6. Central Office
7. Relevant GBC resolutions

****

Preface:

Cultural norms and or poverty are to be taken into consideration when considering neglect, corporal punishment, and psychological abuse. (By cultural norms we mean different outlooks on child raising, punishment, dealing with teenagers, education etc. according to local custom and practice.)

What a parent may be able to provide in one country and is accepted as basic care there, may not be available in another country. Parents or guardians may be in poverty or in rural environment. There will naturally be variances in facilities and outlook on child raising, but at the same time there are basic and universal standards as well; children can be kept as safe, clean, cared for, educated, and emotionally supported as possible. Cultural norms and or poverty are not a loophole but a factor for consideration. They are never an excuse for sexual abuse.

There are two spheres of care, one parental and the other institutional. While there may well be variances in cultural norms for parental care, this document outlines minimum standards expected of those acting on behalf of ISKCON or while a child is in ISKCON's care.

Child Protection Standards

Overview: ISKCON is an international organization, encompassing many countries and cultures. While recognizing these variations, there are universal and basic standards of decency and morals. Each temple and/or community is expected to comply with its own local child protection standards (established by the local and or regional child protection team), to follow the standards established by the central office for child protection, to abide by all relevant GBC resolutions and to work with the local police and civil authorities as required.

All ISKCON personnel in management, administration, teaching, or other leadership positions should learn their local government rules concerning child abuse and mandated reporting of child abuse and should strictly follow those laws.

The following child abuse definitions represent the minimum standard in basic child care. These definitions cover acts which should not be done, but are ("acts of commission").... and acts that should be done but are not ("acts of omission").

****

I. DEFINITIONS OF TYPES OF ABUSE

Note: (Some portions of this section use of graphic terms. While we regret this, they are necessary for clear definitions.)

A. CHILD MALTREATMENT

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

2. Child definition: 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

1. NEGLECT- An act of omission (failure to do) where the parent or caretaker fails to provide for the child's basic needs and proper level of care. It is important to distinguish between willful neglect and a parents or caretakers only being able to provide a reduced standard of life due to poverty or cultural norms.

Types of neglect include:

a) FOOD- failure to provide an adequate diet and sufficient prasadam.

Example: child is forced to eat old rotten prasadam or child is given portions too small to satisfy their hunger.

b) CLOTHING- failure to provide clothing adequate for the season.

Example: child is given no socks or sweater in wintertime.

c) SHELTER- failure to provide a clean, hazard free place to live.

Example: house has garbage and excrement on the floor, exposed wires, insect and rodent infested.

d) MEDICAL- refusal or delay in seeking necessary medical care.

Example: infant has chronic diarrhea and is not brought for treatment; teenage son is found to be sexually abusing other boys and the parents refuse to bring their son for an adolescent sex offender assessment and treatment.

e) HYGIENE- failure to keep the child clean, tidy, and bathed.
Example: child's hair is dirty, matted; clothes are dirty, child looks disheveled, child smells.

f) SUPERVISION- failure to watch the child appropriate to the child's developmental abilities to ensure his/her own safety.

Example 1: parents repeatedly leave a 5-year old child alone sleeping while they go out; parent lets 3 year old run around temple parking lot unsupervised.

Example 2: Gurukula headmaster fails to protect child even though the child has informed the headmaster that he is being physically and sexually abused by older boys and gurukula staff.

g) EDUCATION- permitting chronic truancy, failure to enroll or provide home-schooling (where legally permissible) to a child of mandatory school age, and

inattention to a special educational need.

Example: an 8 year old child receives no schooling whatsoever.

h) EMOTIONAL- failure to provide a climate that emotionally nourishes the child .

Example: child repeatedly sees her father beat up her mother; parents abuse alcohol or drugs; parents have sex in front of the child or expose the child to pornography.

2- PHYSICAL ABUSE- An act of commission (perpetration) by the parent or caretaker where the child is physically injured and/ or marks such as bruises, welts, lacerations, or burns, etc. are visible. Although the injury is not an accident, the parent may not have intended to hurt the child. The injury may have resulted from over punishment that is inappropriate to the child's age.

Forms of physical abuse include: punching, beating, shaking, whipping, caning, burning, slapping, biting, kicking, ear twisting, throwing.

Example: a student is whipped with a cane and red welts are visible, a parent slaps a child so hard across the face that black and blue marks appear in the shape of a hand; an infant is shaken so hard that brain damage occurs; a mother spanks an 11 month old.

a) Corporeal punishment can also be considered abusive if, although no single incident leaves a mark or results in an injury, the frequent and chronic use of such has a deleterious cumulative effect. (In a recently published study on spanking, researchers found that the more frequently spanking was used as a method of punishment (three or more times per week) the more antisocial behaviors the child developed.

Example: A child is spanked for every minor infraction, several times a week

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 in extreme cases, 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.

Forms of sexual abuse include:

a) Voyeurism ("Peeping Tom")
b) Exhibitionism (flashing)
c) Taking pornographic pictures of the child
d) Having the child watch while the perpetrator masturbates
e) Forced masturbation
f) Kissing
g) Fondling
h) Digital/object penetration of vagina and/or anus
i) Oral sex
j) Sodomy
k) Intercourse

Examples: A 14 year old boy badgers (verbally coerces) his 13-year-old male friend into anal sodomy by repeatedly calling him a sissy; an ashram teacher fondles a boy's genital while tucking him in; a father engages in any sexual activity with his daughter; an aunt has a 9 year old nephew suckle her breast.

Note: There is a continuum of sexual behaviors in children ranging from the normal to the abnormal. There are distinct phases of normal psychosexual behaviors.

4. SEXUAL HARASSMENT- Sexual harassment consists of unwelcome sexual advances, requests for sexual favors and/ or other inappropriate oral, written or physical contact of a sexual nature. Such conduct creates an intimidating, hostile, and offensive environment.

Sexual harassment, as defined above, may include, but is not limited to the following:

a) Verbal harassment or abuse;
b) Pressure for sexual activity;
c) Repeated remarks to a person with sexual or demeaning implications;
d) Unwelcome or inappropriate touching;
e) Suggesting or demanding sexual involvement accompanied by implied or explicit threats.

Example: a) A male devotee pats a young girl in an inappropriate place, or frequently puts his arm around the shoulder of a young teenage brahmacarini. b) a brahmacari repeatedly taunts and denigrates an young girl, calling her a "Maya devi', "prostitute", or worse.

These offenses could initially be categorized as misdemeanors and handled accordingly. If they continue or are of a more severe nature then they may be categorized as felony offenses.

5. PSYCHOLOGICAL ABUSE- A repeated pattern of behavior that conveys to the child that they are worthless, flawed, unwanted, unloved, or only of value to meet another person's needs. This verbal battering seriously erodes and damages the child's self esteem and sense of worth as a person.

Forms of Psychological Abuse

a. SPURNING- hostile, rejecting humiliating parent/caretaker acts that degrade the child.

Example: "You no good rotten kid, you'll never amount to anything, you're stupid, ugly, clumsy. I wish I never gave birth to you!" Or making the child who had an "accident" wear their urine soaked underwear on their head while inviting other children to mock them; forcing a child to cross dress while having other children jeer.

b. TERRORIZING- parent/caretaker behavior that is likely to hurt, kill, abandon or place the child's loved ones or the child in a dangerous situation.

Example: killing a child's pet in front of them intentionally to instill fear and gain compliance; locking a child screaming in a dark closet or cupboard for hours; randomly picking out a child from a line and hitting them for no apparent reason other than to instill fear.

c. CORRUPTING- acts that encourage the child in criminal, antisocial behaviors.

Example: taking a child shoplifting to teach them how to cheat or break the law.

d. DENYING EMOTIONAL RESPONSIVENESS-ignoring the child's need for love and affection.

Example: Chronically being cold and aloof to the child; Providing only concrete needs while treating the child as an object, and not a person; no warmth or affection.

Notes:

1. These guidelines recognize the normal stages of sexual development in children. There is allowance for what is natural and innocent activity while marking the distinction of abuse and exploitation.

2. These guidelines do not exempt one from observing local laws. For example, in Sweden corporal punishment of any kind is against the law. Our parents, guardians, and care providers are expected to be aware of, and observe, local laws.

II. ALLEGATIONS OF PAST ABUSE

A. PROCESS:

1. Announcements will be made that ISKCON is opening an inquiry on allegation of past child abuse via:

a) ISKCON's Youth Ministry
b) Asking for volunteers to phone known victims
c) Notices posted in temples
d) Announcements in "Hare Krsna World"
e) Postings on "Chakra" and other Com conferences
f) Local temple child protection teams (hereafter referred to as "CPTs").
g) For India the assistance of the local CPTs in Vrndaban and Mayapur will be employed to distribute information.

2. Immediately upon approval and funding work will begin on setting up a central office as well as finding and training staff, investigators, and judges.

3. As allegation reports come into the central office, the Task force members along with the central office staff will begin sorting and prioritizing cases.

4. The central office secretary will notify those filing reports that their claim has been received and will explain the process of this system etc.

5. CPO staff will sort through reports, prioritize claims, and set a time line for the individual cases.

6. Standards for accepting reports:

a. Primary attention will be given to first hand, signed allegations.

b. Anonymous or second hand allegations are not excluded but will be given a lower priority. Anonymous allegations must specify a time, place, and detailed events. There must be enough details to establish some chain of events that will provide a serious means to investigate and verify the weight of the claim.

7. The central office will prepare a sample report; points to be covered, information required etc. to help guide those filing claims. They will pay special attention in regards to

Note:
Because we are dealing with the past, evidence of abuse, the prime source in a fresh case, is gone. Cases will rest instead on any child protection team reports, convictions in a court of law, eyewitness reports, admissions of guilt, and assessments of the alleged victim and the alleged perpetrator.

a) Where there is genuine fear of retaliation, arrangements will be made to attempt to maintain confidentiality.

b) In cases too weak to pursue, a file will be kept to show that an allegation was received and the details of that claim. Such a file will be kept on record in case future, more substantial allegations come forward.

c) Those individuals who believe they were wrongly found guilty of abuse in the past, and who want to attempt to clear their name, can also file a claim. The central office will review their claim, assess its validity, and if the central office concludes there are some legitimate grounds, the central office will schedule the case and advise the claimant of the procedures of this system.

B) INVESTIGATORS:

1. Are assigned by the CPO.

2. After training they will interview alleged victims, corroborate other witnesses and evidence. They will use standardized forms / questions. Statements and depositions will be taken in writing, or on audio or videotape.

3. The investigators, in consultation with the central office and GBC task force, will coordinate the psychological assessments for the alleged victim.

C) FORWARD TO A TRIAL:

1. In consultation with the investigator, members of the Task force, the director of the central office, and in consultation with other trained professionals, a decision will be made whether the case should proceed to a hearing.

2. In some cases the accused will be directed to an ISKCON approved clinician or specialty program for a professional forensic evaluation. The accused is obliged to pay for such an evaluation.

a) In an ideal world this system would have the funds to cover all these costs...but it doesn't. The justification for requiring the accused to shoulder the cost of their defense is that even in the general society, if one is sued in court the accused is obliged to hire an attorney and cover the costs of their defense or default to the judgment of the court. The consolation is that if cleared in the end, the accused can petition the court for reimbursement and the judge may include in the judgment that those who filed the initial report must reimburse the accused his/her costs.

b) If the accused legitimately cannot pay for assessment (to be confirmed by the case's investigator) the cost of assessment will be provided (see budget section).

c) The accused can refuse to be assessed; such a refusal will be noted by the judges when the case is heard.

3. After weighing the report from investigators, results of assessment, etc. CPO staff will determine whether or not to refer the case on to a hearing.

D) JUDGES:

1. The GBCs and gurus will need to help enlist a pool of senior devotees to be judges. This is extremely important. The quality and training of the judges will determine the degree of faith in the entire system.

2. Training session for judges will include:

a) How to recognize signs, symptoms, and sequella of abuse (how it impacts the victim's life)
b) Videos of interviews with confirmed abusers
c) Language of clinicians (so they can understand the psychological assessments)
d) Basic forensic investigation procedures and logic

3. Three judges are assigned per case. Judges are to be located around the world for regional hearings.... to minimize costs and accommodate different languages etc.

4. The CPO assigns which judges to which case.

E) PROCEDURE FOR HEARINGS:

1. Investigators and central office prepare the case, monitored by the task force. The case brief consists of all the supporting evidence, reports, assessments, and depositions.

2. For these past abuse cases, most hearings will be based on written depositions, psychological assessments, reports by the local CPT, reports by the investigator assigned to the case, and written, audio, or video statements and depositions received from the alleged victim and alleged perpetrator. In especially complex cases, the judges may request funding from the central office for the alleged victim, the alleged perpetrator and or any other relevant witnesses the judges deem essential to deciding the case to appear in person.

Note: It will first be seen if these individuals can and will pay their own travel costs. If not, the central fund, at the judges' discretion, will cover the costs.

3. The central office will arrange judges and investigators by continent...and by language. To save on expenses, judges may meet in one place for a number of days and hear a series of cases from that area of the world.

4. Standard of guilt: Majority of evidence:

Definition: "Majority of evidence" means that taken all together, the evidence weighs on the side of guilt. It is reasonable to conclude guilt.

This is the same standard used in civil cases in the USA.

5. Judges' decision will be available via the central office to legitimate ISKCON inquiries. Anonymity of victims will be maintained, unless a victim requests otherwise.

III. JUSTICE SYSTEM

A. GENERAL AND INTRODUCTORY RULES

1. Scope of Application

a) These Rules shall only govern the adjudication of disputes submitted to the Appointed Judges by the ISKCON/Task force on Child Abuse (hereinafter the "Task Force").

b) These Rules shall govern the adjudication except where any of these Rules is in conflict with a mandatory provision of applicable law that provision of law shall prevail.

2. Notices

a. Notices with respect to the various stages of the adjudication shall be given in writing to the address and/or telephone number specified in writing by the recipient. Notices may be given by mail, facsimile transmission, or email. Notices shall be deemed to have been received on the date of delivery.

b. Time periods specified by these Rules or established by the Judges shall start to run on the day a notice is received, unless the Judges shall specifically provide otherwise.

3. Commencement of Adjudication

a. The adjudication shall be deemed commenced on the date on which the Task Force assigns the case to the Judges by transferring the relevant documents to the Judges.

b. Issues may be freely added or amended by the Task Force prior to the establishment of the Judges and thereafter with the consent of the Judges.

4. Representation

a. The parties may be represented or assisted by persons of their choice.

b. Each party shall communicate the name, address and function of such persons in writing to the Task Force, other parties, and to the Judges.

B. RULES WITH RESPECT TO THE JUDGES

1. Selection of the Judges

a. The Judges for each adjudication shall consist of judges appointed by the CPO.

b. The CPO shall appoint persons whom it deems qualified to serve as Judges.

c. Persons selected to serve as judges shall be chosen from a list of those who have undertaken a program of training deemed by the Task Force to be sufficient for the execution of the judges' duties. Such a program of training shall, at a minimum, consist of training in knowing:

(1) The nature of abuse (four kinds)
(2) Sign and symptoms of abuse

(3) How abuse impacts one's activities in life
(4) How to detect abuse
(5) How to understand corroborating evidence of abuse
(6) The psychology of the victim
(7) The psychology of the offender
(8) Understanding the language and scope of forensic evaluations
(9) Polygraphs, linguistic and otherwise

2. Qualifications, Challenges and Replacement of a Judge

a .Each Judge shall be independent and impartial.

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

c. A Judge shall promptly disclose in writing to the Task Force, and the parties any circumstances that might cause doubt regarding the Judge'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 counsel.

d .A Judge may be challenged if circumstances exist or arise that give rise to justifiable doubt regarding that of the Judge's independence or impartiality.

e. A party may challenge a judge only by notice in writing to the Judge, with a copy to the Task Force, the central office, and the other party, given no later than thirty days after

(1) the parties have been notified that the adjudication has been commenced, or
(2) the challenging party has become aware of the circumstances specified in Rule 2.d whichever shall last occur. The notice shall state the reasons for the challenge with specificity.

f. When a party has challenged the Judge, the Task Force or the other party may agree to the challenge or the Judge may voluntarily withdraw. Neither of these actions implies acceptance of the validity of the challenge.

g. If neither agreed disqualification, nor voluntary withdrawal, occurs, the challenge shall be decided as follows:

(1) By a majority vote of the Task force for initial cases of past abuse (first year of tribunal functioning) and after that by majority vote of the other two judges assigned to the case and the director of the central office.

(2) If the Task Force remains in effect, this procedure will continue. If a member of the Task Force is the judge being challenged, then this Task Force member will not participate in the vote concerning the challenge.

h. In the event of death, resignation or successful challenge of a Judge, a substitute Judge shall be selected pursuant to the procedure by which the Judge being replaced was selected.

i. In the event that the Judge fails to act, or in the event the Judge determines that a member of the panel of Judges is de jure or de facto prevented from duly performing the functions of a Judge, the procedures provided in section h shall apply to the selection of a replacement.

j. If a judge is replaced, the successor shall decide the extent to which any hearings held previously shall be repeated.

3. Jurisdiction of the Judges and Challenges to the Jurisdiction of the Judges

a. The jurisdiction of the Judges shall be limited to abuse alleged to have occurred on ISKCON property or premises under ISKCON control and operation, or by an individual acting while in an official ISKCON capacity i.e. as a teacher, temple administrator, sannyasi etc. Cases that do not fall within these categories may be considered by the CPO if requested to do so by the local child protection team, local temple president, or local GBC.

a1. The CPO office will increase its educational role with local CPTs and through them to local congregations. Regarding alleged abuse within the broader ISKCON congregation, the matter shall be handed over to the local police/authorities and reported to the local Temple President. If an alleged perpetrator is found guilty, (by local secular authorities), the local CPT will report this to the CPO. The CPO will then inform other ISKCON leaders.

b. Case of child abuse which have been dealt with in the past by the GBC or one of its agents (ministry of justice, ministry of education etc.) are subject to review by these judges including cases were guilt has been admitted and a sentence decided.

c. The members of the GBC appointed child protection task force (Badrinarayan dasa, Sesa dasa, Laxmimoni dasi, Yasoda dasi, Anuttama dasa, Dharmaraj dasa, Manu dasa, Pancaratna dasa, and Dhira Govinda dasa) along with the chairman of the child protection central office, by a majority vote, will determine which of these old cases, previously decided, are to be opened for review.

Note: Some cases may have already had thorough documentation or an admission of guilt or no new complaint from a victim, and a sentence determined and being carried out. All that needs to be done in a case like this is be sure there is a complete record with the central office. Other cases may have been partially researched, no clear records, a sentence that is not being followed or clearly inappropriate etc. Such cases need to be reopened and resolved via the above justice system, in order to have a final official record and to put these cases to rest once and for all.

d. The Judges shall have the power to hear and determine challenges to its jurisdiction.

e. Any challenges to the jurisdiction of the Judges shall be made prior to the adjudication hearing.

C. RULES WITH RESPECT TO THE CONDUCT OF THE ADJUDICATION PROCEEDINGS

1. General Provisions

a. Subject to these Rules, the judges may conduct the adjudication in such manner as they shall deem appropriate. The judges shall be responsible for the organization of conferences and hearings and arrangements with respect to the functioning of the Judges.

b. The proceedings shall be conducted in an expeditious manner. The Judges are empowered to impose time limits it considers reasonable on each phase of the proceedings, including without limitation the time allotted to each party for presentation of its case and for rebuttal.

c. Except as otherwise provided in these Rules or permitted by the Judges, no party or anyone acting on its behalf shall have any ex parte communication with the judges with respect to any matter of substance relating to the proceeding.

d. As promptly as possible after the selection of the judges, the judges shall hold an initial pre-hearing conference for the planning and scheduling of the proceeding. The objective of this conference shall be to discuss all elements of the adjudication with a view to planning for its future conduct. Matters to be considered in the initial pre-hearing conference may include, inter alia, the following:

(1) Procedural matters
(i) the timing and manner of any required discovery
(ii) The desirability of bifurcation or other separation of the issues in the adjudication.
(iii) The scheduling of conferences and hearings
(iv) The scheduling of pre- hearing submission of case documentation
(v) The need for and type of record of conferences and hearings, including the need for transcripts
(vi) The amount of time allotted to each party for presentation of its case and for rebuttal
(vii) The mode, manner and order for presenting proof
(viii) The need for witnesses and how testimony should be presented
(ix) and the necessity for any on site inspection by the Judges

(2) The early identification and narrowing of the issues in the adjudication;

(3) The possibility of stipulations of fact and admissions by the parties solely for purposes of the adjudication, as well as simplification of document authentication; and

(4) The possibility of the parties engaging in settlement negotiations, with or without the assistance of a mediator.

(5) After the initial conference, further pre-hearing or other conferences may beheld, as the Judges deem appropriate

e. In order to define the issues to be heard and determined, the Judges may, among other things, make pre-hearing orders for the adjudication and instruct the parties to file more detailed statements of claim and of defense and pre-hearing submission of documents.

f. The Judges shall fix the place of adjudication. The award shall be deemed made at such place. Hearings may be held and the Judges may schedule meetings, including telephone meetings, wherever it deems appropriate.

D. Rules for Discovery

The Judges shall permit and facilitate such discovery as it shall determine is appropriate in the circumstance, taking into account the needs of the parties and the desirability of making discovery expeditious and cost effective. The Judges may issue orders to protect the confidentiality of sensitive information disclosed in discovery.

E. Rules governing Evidence and Hearings

1. The Judges shall determine the manner in which the parties shall present their cases.

Unless otherwise determined by the Judges, the presentation of a party's case shall include the submission of pre-hearing documentation including the following elements:

a. A statement of facts

b. A statement of each claim being asserted

c. A statement of the relief requested, including the basis for any damages claimed

d. A statement of the evidence to be presented, including the name, capacity and subject of testimony of any witnesses to be called and an estimate of the amount of time required for the witness' direct testimony.

2.. Evidence may be presented in written, video, or oral form (tape recordings) as the Judges may determine is appropriate. The Judges are not required to apply the rules of evidence used in judicial proceedings.

3. The Judges, at their discretion, may require the parties to produce evidence in addition to that initially offered. They may also appoint experts whose testimony shall be subject to cross examination and rebuttal.

4. The Judges shall determine the manner in which witnesses are to be examined. The Judges shall have the right to exclude witnesses from hearings during the testimony of other witnesses in such cases were witnesses etc. are appearing in person.

5. After training they, [the investigators] will interview alleged victims and corroborate other witnesses and evidence. They will use standardized forms / questions. Statements and depositions will be taken in writing, or on audio or video tape.

F. Rules governing Interim Measures of Protection

At the request of a party, the Judges may take such interim measures, as they deem necessary with respect to subject matter of the dispute.

G. Rules governing the Decision

1. The Judges may make final, interim, provisional, or partial decisions. With respect to any interim, provisional or partial decision, the Judges may state in their decision whether or not they view the award as final, for purposes of any judicial proceedings in connection therewith outside of its jurisdiction. However, within the jurisdiction of the Judges the decision shall be final.

2. Decisions are made by consensual decision of all three judges All decisions shall be in writing and shall state the reasoning on which the decision rests, unless the parties agree otherwise. The decision shall be made and signed by the judges and, if the decision decides a number of issues, the part of the decision relating to each issue shall be made and signed by the judges.

3. There shall be 3 judges, and an alternate chosen by the CPO to adjudicate a case.

4. If judges are unable to reach a consensus, the CPO will assign a new panel of judges. All information from the first panel will be made available to the new panel.

i. If the second panel of judges is unable to come to a consensual agreement, the case will be closed, unless further evidence is provided within 6 months of the judges' decision.

The following definition of consensus is added to the document for the edification of the Judges:

1. I can give an unqualified "yes" to the decision I agree completely
2. I can live with the decision. It's OK with me.
3. I am concerned about this decision, but will not block the group.
4. I think there are major problems with the decision and choose to block the group's action
5. It's too soon to make any decision. More work needs to be done.

5. The adjudication should, in most circumstances, be decided by the judges within six months after the initial pre-hearing conferences required by Rule C.1.b The parties and the judges shall use their best efforts to comply with this schedule.

H. Rules governing standards for determining guilt.

1. Standard of guilt: Preponderance (majority) of evidence
Definition: "Majority of evidence" means that taken all together, the evidence weighs on the side of guilt. It is reasonable to conclude guilt.

I. MISCELLANEOUS RULES

1. Failure to Comply with Rules

Wherever a party fails to comply with these standards in a manner deemed material by the Judges, the Judges shall fix a reasonable period of time for compliance and, if the party does not comply with said period, the Judges may impose a remedy it deems just, including a decision on default. Prior to entering a decision on default the Judges may require the non-defaulting party to produce evidence and arguments in support of its contentions, which the Judges may receive without the defaulting party's presence or participation.

2. Costs

a. Costs of the adjudication shall, in general, be borne by the task force GBC funding.

b. The costs of adjudication may include, but are not limited to, the following:

(1) Any expenses of the Task Force in connection with the adjudication;
(2) Any fees or expenses of the Judges;

c. The cost of meeting and hearing facilities.

d. The following are not to be considered costs of the adjudication:

(1) The cost of defending a case submitted by the Task Force for adjudication;
(2) The travel and other expenses of witnesses. (unless the personal presence of such witnesses is determined by the judges to be essential for this case (where depositions will not suffice), and the party requesting the witness (the alleged victim or the accused) cannot cover the costs. In such a situation, at the discretion of the judges, the central office will bear the costs.

J. Rules governing Confidentiality

1. The parties and the Judges shall treat the proceedings and any related discovery as confidential, except in connection with a judicial challenge to, or enforcement of, a decision, and unless otherwise required by law.

2. The final verdict and the details of the sentence shall be released at the discretion of the central office. The central office will make all reasonable efforts to respect any request for anonymity by confirmed victims. The central office will serve as the clearinghouse for all legitimate screening requests from ISKCON agencies via a system to be developed by the Task force and the central office.

K. Rules governing Settlement and Mediation

1. Either party may propose settlement negotiations to the other party at any time. The Judges may suggest that the parties explore settlement at such times as the Judges may deem appropriate and shall suggest that they do so at or before conclusion of the hearing. The Judges shall give such assistance in settlement negotiations as the parties may request and the Judges may deem appropriate.

2. With the consent of the parties, the Judges may at any stage of the proceeding arrange for mediation of the claims asserted in the adjudication by a mediator acceptable to the parties. The Mediator shall be a person other than the Judge, unless the parties request and the Judges agrees that the Judge may serve as Mediator. The Judges may provide the Mediator with whatever factual and legal material developed in the adjudication it deems appropriate and may permit the Mediator to attend conferences and hearings held in connection with the adjudication. Unless the parties request and mutually agree otherwise, any such mediation shall be conducted under the ISKCON/ GBC Rules for Mediation.

   There are a variety of restorative procedures that may be helpful while processing a case. If the alleged offender admits guilt then the sentencing part of the deliberation may take into account the victim's needs and desires (first and foremost), the offender's situation (his attempts at rehab, etc), the needs of the local community, etc. There may be scope for a victim / offender mediation, where victims (or their parents) can hear their questions answered. There is also family-group conferencing, or circle discussion that could impact the judge's decision on a sentence and help the victim with their healing. These procedures, while certainly helpful in some situations, require some skills to facilitate. The CPO or its representative will determine if such an approach is practical in a given case.

   It is stressed that this is in addition to the judicial process and other care and support recommended to victims.

3. The results of a case which is mediated will have the same standard of public information as cases which go all the way to trial and judgment. In other words, if the alleged abuser admits guilt and the case is mediated, the details of the abuse and the judges' sentence become part of the child protection office's record, open for screening inquiries and public record.

L. Rules governing actions against the Task Force and/or the Judges

Neither the Task Force nor any Judge shall be liable to any party for any act or omission in connection with any adjudication conducted under these Rules.

M. Rules governing Waiver of Objection

A party knowing of a failure to comply with any provision of these Rules and neglecting to state its objections promptly waives any objection thereto.

N. Rules governing Degrees of offense:

1. Category I offense: (to be handled at the local level, by the local CPT and temple president)

    a. Neglect that does not result in serious injury to the child as in requiring hospitalization or medical attention or causing long lasting psychological damage.
    b. Age inappropriate corporeal punishment where no serious injury resulted
    c. Isolated, non chronic event of over punishment that did not result in serious injury.
    d. Precursors to sexual abuse, i.e., the "private parts" were not touched but the child's body space was violated with the clear intent of being sexual if the progression had not ceased. (For example, the legs were caressed. It is a misdemeanor as long as there was no threat, coercion, intimidation, or psychological trauma to the child.
    e. One time isolated incidents of psychological abuse that did not result in any long term damage to the child or involve sadism.

2. Category 2 offense: (to be handled by the Central Office, in addition to the local level)

    a. Neglect that results in serious injury
    b. Over punishment that results in injury
    c. Sexual abuse, including kissing, fondling, voyeurism, exhibitionism, oral sex, sodomy, pornography, forced masturbation, and intercourse.
    d. Physical abuse that happens more than once and/or causes injury
    e. Psychological abuse that happens repeatedly and causes emotional harm
    f. Rape

N. Rules governing Procedures for Reporting

1. All ISKCON personnel in management, administration, teaching positions, or other leadership positions should learn their local government's rules concerning child abuse and mandated reporting of child abuse, and should strictly follow those laws.

    Suspected abuse should be reported to the police if the suspected abuser is outside the family. If the suspected abuser is a member of the family, or the chief care provider for the child, then the suspicions should be reported to the Dept. of Family Services, or a similar agency. After thus reporting such suspected abuse the care provider should also inform the local CPT, who will in turn report incidents it deems sufficiently grounded to the CPO.

    Many legal systems mandate a care provider, (family, guardian, doctor or nurse, teacher, priest, etc.) or other individual having regular contact with a child, who has good reason to suspect abuse, must report it immediately to local authorities. It is the responsibility of all ISKCON personnel in leadership positions to become aware of the laws in their local area regarding mandatory reporting.

    **Note: in third world countries, those persons in responsible positions should refresh their knowledge of these laws at short, regular intervals because these countries are rapidly upgrading their laws for the protection of children.*

2. All suspected abuse must also be immediately reported to local CPT. If no CPT, then the

regional ISKCON child protection office should be contacted. If there is no regional office, then the Central office should be contacted.

3. In countries where there is a responsive justice system:

Note: Almost every legal system mandates that any individuals, and certainly any care providers (family, guardians, doctors and nurses, teachers, priests, etc.) who have good reason to suspect abuse, must report it immediately to local authorities; to the police, if the suspected abuser is outside the family, or to the Dept. of Family Services or a similar agency, if the suspected abuser is a member of the family or the chief care provider for the child.

4. If there is potential immediate further harm to victim the child must be protected. If there are potentially other victims, the alleged abuser must be sequestered/ segregated from children or from being able to intimidate witnesses.

5. Until a police investigation and/or a trial and verdict, the local CPT (or in absence of a local CPT, directions from the chain of command described above in N.2 , in absence of local CPT) determines the interim protection requirements for alleged victim and restrictions on alleged abuser.

6. These interim guidelines may include a temporary suspension of the accused's position/ service. They may include an interim restriction on attending temple functions or living on ISKCON property.

7. Local TP and GBC should support and help enforce the interim decision of local CPT. If there is disagreement, the parties can contact the central office executive director for consultation. The recommendation of the executive director must be followed.

8. Local CPTs always report to regional office (or central office if there is no regional office) That office consults with and directs the local CPT as to whether or not the case requires further action.

9. Local CPT must follow directions from regional or central office

10. If the case is serious enough, the regional CPT or central office guides local CPT in the investigation, protecting alleged victims, sequestering alleged abuser etc.

11. Regional office or central office may send in investigators for local CPTs inexperienced or in need of help.

12. CPTs and members of regional and central office are trained about confidentiality...central office to provide guidelines and standard forms.

13. If local CPT and regional/central office conclude that there is sufficient substance to the allegation, and that the alleged victim is credible....alleged abuser will in many cases be requested to be "assessed". (Same standard as with justice system for past abuse....accused abuser pays for assessment unless inability to pay is confirmed. Then central office will arrange to pay for assessment.)

14 Local CPT is responsible that all the investigation documents in the case are delivered to the central office. The executive director of the central office guides the case into the justice system.

IV. Sentencing and Penalty

A. Decision of judges is final. See the sections "appeal process" listed below.

B. The three judges determine whether there is validity to any of the allegations. If they determine that there is validity to at least one allegation of of child abuse, then the judges combine with the Director of the Central Office and the Case Manager for the case to determine the sentence. Requests for adjustments to this procedure for sentencing can be submitted to the Director of the Central Office, who will present the request to the ISKCON Minister of Justice.

C. Notes on determining sentences:

1. The type of offense is not necessarily the criteria (whether sexual, physical, or neglect etc.) but rather it is the severity and frequency of the offense that the sentence should be based on. (For example, one abuser may caress a young girl and be guilty of sexual abuse while another may repeatedly and severely beat a child and be guilty of physical abuse; the latter should be given a harsher sentence due to the "severity and frequency" of the acts.)

a.. "Zero Tolerance." Some incidents of child abuse are of such severity that the judges' decision would be to invoke a "zero tolerance" sentence. In other words, the abuser would not be allowed to visit any ISKCON property, attend ISKCON functions, or have any contact with ISKCON properties or functions of organizations affiliated with ISKCON for the remainder of the abuser's lifetime.

Cases that would be eligible for a zero tolerance sentence include serious sexual or physical abuse where the evidence is clear and persuasive. Considerations in determining "serious sexual abuse" would include evidence of some of the following elements: The sexual abuse includes instances where violence, force, or the threat of violence is used; the sexual act itself is of a very invasive nature, the acts are repeated, and where there is great physical or psychological distress experienced by the victim.

Serious physical abuse would include some of the following elements: The act is of a very violent nature, there is long term physical harm to the victim, the acts are repeated, and there is great physical or psychological distress to the victim.

2. Rape however is in a special category...because even though one rape may be an isolated, singular event, it is, by the very nature of the act, deemed to be extreme, severe, and violent.

3. The criteria for measuring offenses includes the degree of invasiveness, the degree of injury, the amount of initial suffering to victim, and the long term impact on victim.

This includes the case of an individual convicted of child abuse in a criminal or civil court outside of ISKCON's justice system.

4. The only exceptions will be if the judges, combined with the task force members, specifically note such a modification in the sentence. (They may do so where an individual is found guilty, but of the mildest type of offense.)

D. The sentence may include obliging the convicted abuser to reimburse court costs and to pay for the victim's counseling.

E. In the case where a defendant is found not guilty, the judge may oblige the accuser to cover the defendant's court costs.

F. A sentence determined by this system cannot be reduced by a local community, temple president, or local GBC. Requests for modification (for example unforeseen complications or problems in the application of a sentence) can be discussed with the director of the child protection central office and the judges in the particular case. Only with the written consent of the director and the judges can any modifications be made. Such modification are to be in the form of a notice written by the judges in the case, spelling out the specific modifications of the original sentence.

The sentencing decision of the judges constitutes the minimum restrictions that an ISKCON organization may place on a perpetrator. Any specific ISKCON organization may choose to invoke more stringent restrictions. However, it is expected that all ISKCON entities will carefully consider these decisions of the CPO before imposing more stringent limitations, as the constraints prescribed herein are deemed to be sufficient with regards to child protection.

G. In certain cases, devotees have been found guilty of child abuse in criminal courts. These cases may or may not have involved ISKCON temples and projects. Many of these cases occurred within the congregational setting. As our movement increasingly expands to include a greater congregation, risk from child abusers may come more from people joining our movement from the outside, rather than from those who have perpetrated abuse within our gurukulas or temples. Also, as our local Child Protection Teams are becoming better trained to report abuse to local authorities, many cases will be decided in the courts, rather than in our ISKCON CPO system. Another factor is that some of these cases may be technically outside the jurisdiction of the Child Protection Office, as they do not occur on ISKCON property, or by ISKCON officials. Nevertheless, the individuals, even if now taking up the process of devotional service, may still constitute a threat to our children. Further, if they become involved in any type of leadership positions (regardless of the degree of actual risk), it will become an embarrassment to our Society, bring about further loss of faith in our second generation and other devotees, and constitute needless legal risk to ISKCON.
In these cases of clear finding of guilt by the civil legal process, it is not necessary to go through a lengthy and time consuming full Child Protection Office investigation and adjudication. It is logical that those found guilty in criminal courts should automatically receive similar levels of restrictions and sanctions as those cases which have CPO Official Decisions.

Therefore,
Devotees who have been convicted, or found guilty, of sexual or physical child abuse in legitimate criminal or civil court proceedings, will be restricted in their relationship with ISKCON temples and projects in the following manner.

a. They may not reside in temples or stay overnight.
b. They may not assume a position of leadership.
c. They may not give class or lead kirtan in the temple.
d. They may not engage in service involving children.
e. They may not be present at a temple if victims are also present (without the victim's consent).

H. Counseling for victims:

Judges can grant victims funds for counseling, up to an average of $2,000 per individual exceptions can be made in extreme cases (to come from the GBC established fund for this purpose....see "Budget" section) The central office will also help in arranging for pro bono care by qualified health care providers and will help in assisting the victims in arranging for

state funded care.

I. Statute of Limitations:

There is no statute of limitations. Upon approval of this proposal and establishment of a system for receiving allegations of abuse, a six month period of active solicitation of reports will begin, but if an alleged victim comes forward later on with a credible case, then such a case can be entered into this system at any time.

J. Criminal proceedings:

In cases of alleged abuse, where there is an active outside justice system (western Europe, Australia/ NZ, USA, Canada etc.) and when the statute of limitations has not expired, a complaint should also be filed with the local police.

K. Double Jeopardy:

1. A person can be tried only once for alleged abuse against a particular individual. In cases where there is one person accused of abusing multiple victims, the central office will do everything it can to inform all those concerned that this is their opportunity to make their accusations. Again, there can only be one trial for one individual or one particular set of circumstances or set of alleged victims. In other words, if teacher X is accused of abuse at school Y, there should only be one trial to deal with that. The central office will do all it can to notify all potential victims and combine all related claims into one case.

2. Exception: If new evidence arises which is so convincing and points to offenses which are so egregious, the executive director of the central child protection office and the three member of the GBC executive committee, by majority vote, can reopen a case and initiate a second hearing.

Note: Providing for counseling is not necessarily an admission of guilt on the part of ISKCON. It is our moral duty to do our best to take care of our members. That should be impetus enough.

V Compliance and Reentry:

A. Compliance and Reentry

1. Compliance by the perpetrator:

It is the responsibility of a person found responsible for abuse to comply with the Official CPO Decision. Elements of the Official Decision that require an apology, restitution and personal counseling should be completed within the first 6 months after the decision is made. Failure to do so may impact the individual's future involvement with ISKCON, after the initial restrictive period ends.

The restrictions upon a person subject to an Official CPO Decision shall remain in place until he has demonstrated compliance with the decision. After the designated restrictive period ends, a person subject to an Official Decision may request the restrictions against him be officially ended. At the time of such a request, the CPO Director shall determine 1) if the perpetrator has complied with the Official Decision and, 2) if there is any risk to ISKCON children if the perpetrator is involved again with the society, without the prior restrictions.

It remains the responsibility of the perpetrator to demonstrate compliance with the Official Decision. If the Director determines there was not reasonable and substantial compliance

with the Official Decision, the Director can extend the Official Decision, or any provision of it, until such a time as the Official Decision's requirements are fulfilled.

2. Review in case of risk

a). Additionally, if the CPO Director believes there may still be a risk to ISKCON children, if the perpetrator becomes involved with ISKCON without the prior restrictions, then the Director will request a review by three judges of the Appeal Review Board.

b) If the ARB judges confirm there is a risk, the perpetrator needs to undertake a risk assessment by a professional approved by the CPO. This risk assessment shall be conducted at the perpetrator's expense.

c) If the risk assessment demonstrates that the person is a risk to ISKCON children, the CPO Director may extend the Official Decision, or any part of it, until the perpetrator is able to receive clearance after a professional risk assessment.

d) If the perpetrator is unable to undertake a risk assessment on financial grounds, the ARB and CPO Director will determine if there is a risk.

3. Counseling and reentry for the perpetrator:

a) All ISKCON temples and projects should keep updated records of CPO decisions

b) Records should also be kept by local CPTs

c) Temples need to conduct regular screening of all new devotees, and police checks for all devotees working with children

4. Assistance from CPO

a) Providing screening questionnaires

b) Providing updates every 6 months of CPO decisions, including legal names, devotee names, and photos wherever possible of perpetrators, and all sentencing details

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VI The Appeal Process

The system delineated below, as amended, is the procedure to appeal an Official Decision of the ISKCON Child Protection Office. This system supplants earlier appeal systems, including the original prescribed in the Task Force Report, and the later amended GBC Decision 606 (2001). This shall be incorporated into the CPO Operating Policies and Procedures.

An Appeal Review Board (ARB) shall be established by the CPO director. That Board shall consist of five CPO judges selected by the director, who shall serve for a two-year term. A second term may be served, and the CPO director will replace any Appeal Judge who is unable to complete their term.

An alleged perpetrator may appeal the CPO's decision against him to the CPO Appeal Review Board, via the CPO office. No other body, or individual, shall be authorised to receive or decide appeals.

Upon receiving an appeal, the CPO director shall refer the appeal to three Appeal Review Board judges. The

ARB shall determine if there is cause for accepting the appeal based on the following grounds:

- procedural irregularities
- impact of compelling additional evidence

The appeal process will be as follows:

Within 90 days of a decision, the alleged perpetrator must officially request an appeal with the CPO office. After that time, no appeals will be accepted. Once a request for an appeal has been made, the CPO director will select three ARB judges to review the case and who will decide its merit within 45 days

If they decide there are 'no' grounds for appeal, the original decision stands. If the appeal is granted, the Appeal Review Board may, at their sole discretion, reduce or set aside certain restrictions of the original decision pending the review process. Otherwise, during the course of the appeal, the restrictions of the first decision shall stand.

If the ARB determines there is sufficient cause for appeal, such an appeal shall be handled by a second team of four (including one alternate) trained, independent judges appointed by the CPO, who were not involved in the original case, and who are impartial to both the alleged victims and the alleged perpetrator.

All parties involved in the case, including the alleged perpetrator and alleged victims, shall be made aware of the choice of judges for the second round of adjudication in advance of any proceedings, and shall have the right to appeal a judge's participation in the process. Such an appeal shall be reviewed by the CPO Director, who will decide whether the judge will be replaced.

This second panel of judges shall review all of the evidence presented to the first panel, the Official Decision of the first panel, plus any new evidence, objections, recommendations from any party involved in the case, and shall make a final ruling in the case within 90 days.

The director of the CPO will not be a member of the appeal panel. The appeal panel of four trained CPO judges will determine the validity of each allegation of child abuse, and the appeal panel will also write the final version of the Official Decision for the case. This final version of the Official Decision will include directives and recommendations concerning the alleged perpetrator's relationship with the ISKCON organization. The Official Decision of the appeal panel shall be final and binding on all parties, and this Official Decision cannot be appealed to the GBC or any other ISKCON entity.

VII. CENTRAL OFFICE

A This office will serve a number of functions

1. To coordinate the efforts to investigate and settle claims of past abuse
2. To coordinate current and future abuse cases
3. To keep all records and files/ for use in screening etc.
4. To disseminate information on child protection
5. To organize seminars and training
6. To make sure systems for screening are in place

7 To monitor and train local temple child protections teams

8. To train and coordinate regional/ satellite child protection offices
9. To coordinate care for confirmed abuse victims
10. To prepare standards and guidelines for child care in ISKCON
11. To help coordinate service opportunities and special programs for abuse victims/survivors

B. Requirements for director:
Mature, learns quickly, has good people skills, well organized, can delegate assignments, a good office manager, spiritually strong. Ideally, with some education and experience in child care/ counseling field.

1. Duties of Executive Director (central office)

a. Establish and monitor regional (satellite offices)

b. Prepare training manuals appropriate for different audiences: (GBCs/TPs/ school staff/ local child protection teams, hereafter referred to as "CPTs"/ children/ parents)

c. Supervise and direct office secretary

d. Create reference list of ISKCON health professionals...engage them in service

e. Make sure screening processes are in place ISKCON-wide

f. Organize training seminars for ISKCON leaders, schools etc.

g. Develop and distributes reference material

h. Counsel local CPTs and regional offices with ongoing cases as needed

i. Help coordinate counseling for confirmed victims

j. Coordinate and oversee justice system for hearing cases of abuse

k. Coordinate staffing of and training for that justice system

C. Duties of Central office secretary:

Requirements: clerical skills, maturity, confidentiality, strong emotionally and spiritually, some financial skill (paying bills, keeping records)

a. Keep permanent records, multiple copies

b. Coordinate payment of counseling bills (for victims whose verdicts include payments from ISKCON's fund)

c. Help compile and update list of devotee health care professionals who may volunteer counseling or to work with victims to find local care.

d. Maintain files and list of past cases. Send out periodic updates of list of abusers to temples/ CPTs

e. Coordinate research of laws of different countries (in USA, of different states) on who is obliged to report suspected abuse and what degree of abuse does the law mandate be reported. Make sure regional offices and local CPTs have this information on hand and that it is included in child protection training manuals.

f. Recruit and train investigators. There will need to be qualified investigators on call to send in to assist local CPTs in some cases.

D. Duties of the Central Office

1. Screening

a) The central office will develop systems and policies for hiring/ screening throughout ISKCON (who stays in our ashrams, works for us, teaches in our schools, becomes an initiated disciple).

Such screening will be mandatory for all ISKCON projects.

b) Prospective initiates must be interviewed and screened. ISKCON gurus must arrange for a reference check with ISKCON central office for child protection of all candidates for initiation. Additionally, the prospective disciple should be asked to personally certify that he or she has no past record or problem in this area. We recognize that this is an awkward question to ask but there have been instances where a timely and appropriate inquiry would have saved the guru and ISKCON much grief and embarrassment.

Note:
An essential step in improving the quality of how the staff in our temples and projects performs is to improve the quality of that staff in the first place. Most states require mandatory personnel checks for anyone applying for a job involving child care. By the simple step of a reference check a number of problems can be resolved at the very beginning.

E. ABUSE COUNSELING:

Counseling after abuse comes to light should take three aspects, addressing the needs of three different constituencies (the following are from the guidelines given by the Catholic bishops to their parishes)

1) "Institutional response"

Temple presidents and GBC's should follow these guidelines in cases of child abuse within their locality:

a) Reach out to the victims and their families and communicate sincere commitment to their spiritual and emotional well being. This should also be done with the families of adolescent or child offenders.

b) All human suffering as well as the weaknesses and imperfections of human beings deserve a response rooted in love, compassion, and concern.

c) ISKCON is committed to dealing with issues of child abuse within it's society in an open and straightforward manner. Officials will speak the truth. We will reach out to the injured. We will promote the safety of our children.

d) ISKCON will promote healing where it is needed, guidance when it is called for, with firm justice and mercy towards all and a determination to do what is needed to correct and prevent child maltreatment in all it's forms.

2) "Psychological" response

a) Compassion requires that primary attention be given to the person alleged to have been offended

b) While we are all in need of redemption and forgiveness for our failings, there is a special harm and injury given to those who are victim-survivors. (This term is used to underscore the fact that people are not simply victims, as though what happened to them stops there. People are also resilient and however difficult the path to recovering from abuse may be, those in this process are survivors. The joint term, victim/ survivors is used to acknowledge their suffering while at the same time encouraging healing and recovery.

3) Congregational response

a) Families often require the same compassion and sensitivity as that of the victims and are not to be forgotten in the healing process.

b) Congregations undergo a complex process of grieving when they learn that a trusted and respected leader or member has been accused of child maltreatment

c) A most important element in healing is receiving accurate information of what happened

d) We need to develop what is known as a "listening presence", i.e. we don't really respond until in some way the person's pain has entered into our own lives. Only when our hearts are heavy and the pain burdens us should we respond. If we respond before we experience that pain, then there is a certain violence done to the victim, a violence that is unnecessary and certainly unwarranted.

e) Congregational members reactions will be affected by their stages of faith development, especially if the accused is a leader or a guru. Disclosure can precipitate an internal crisis that challenges their underlying spiritual and psychological beliefs.

f) Affected congregations can have emotions that divide it, emotions that run the gamut from anger, disappointment, disgust, betrayal, disbelief, and sadness, grief, and compassion.

g) Within the confines of respect for the privacy of the individuals involved, deal as openly as possible with the members of the community.

h) An "authoritative presence", be it the temple president, the local GBC or other ISKCON leader is necessary for the congregation to heal. This means that these local leaders need to participate with and help guide the congregation through this process.

4) Central offices role to assist in counseling

a. Teach training seminars at GBC/ TP meetings

b. Train other ISKCON health professionals so they can in turn lead sessions in other parts of the world.

c. Establish a fund to provide for counseling for victims

d. Establish a network of ISKCON approved mental health practitioners who can either provide counseling or act as referral agents to appropriate treatment providers

e. Help victims find counseling from government agencies

f. Prepare brochures and guidelines to help explain the above three steps for communities to deal with the impact of abuse

g. Act as an interface between victims and ISKCON projects, working on placement with temple services, training and work experience, preaching programs, temple ashram living facility, and other programs these individuals might want to participate in.

h) The task force, in consultation with the director of the central office, may find that additional standards, guidelines, and resolutions are required to implement and improve this proposed system. Those additional standards, guidelines, and/ or resolutions will be reviewed by the GBC executive committee first, and with the GBC executive committee's approval, they will become provisionally binding on all ISKCON members, until they are reviewed and accepted, revised, or rejected at the next annual GBC meeting or GBC e-mail voting session....whichever method is selected by the GBC executive committee.

F. EFFECTIVE CHILD PROTECTION TRAINING

1. We urgently need regional offices for Africa, Australia, S. America, India, and Asia. A central office and executive director can work with local GBCs to develop these and to provide the training and reference material needed.

2. Currently there are some schools ostensibly operating as ISKCON schools, but with no child protection training in place, and little, if any monitoring or supervision. Children abused in these schools transfer to other ISKCON schools or projects and themselves become abusers. This cycle must be broken if we are ever to get this problem under control.

a) Set up of a central office and regional/ satellite offices as outlined in the section #6 "Central Office".

b) The central education advisory board will include standard requirements in child protection as criteria for a school to receive ISKCON certification.

c) There must be commitment and involvement from the individual GBCs in seeing that there are active and trained child protection teams in each of their temples and projects. The central office will develop guidelines, standards, and monitoring systems.

d) System and policies for hiring/ screening throughout ISKCON (who stays in our ashrams, works for us, teaches in our schools) See "Screening" section D.1

G. Working with TEENAGE ABUSERS

One fourth to one third of all sex offenses involve teenage offenders. Adult offenders who were interviewed retrospectively have shown that the average age at which offenders begin their deviant acts is fourteen. It is very important to try to break the cycle of offense. One third of victims who were sexually abused will unfortunately go on to abuse others. It is extremely painful for a parent to be told that their child has a sexual behavior problem. Denial and minimization of the act is to be expected. At the same time, teenage abusers should be handled differently than adult abusers and every effort should be made to help them break this vicious cycle.

a) Local CPT investigates the allegations using two people for all interviews. The session is tape recorded with the permission of the interviewee. If it is not tape recorded, verbatim notes are taken. The parents of the alleged victim and offender are informed that the CPT has received a referral and that an investigation is necessary. The alleged victim is interviewed first.

CPT with regional/central office investigates report determining the validity of the claim, the nature of offense, the local legal requirements on reporting etc. Efforts should be made to see if there are other, unreported victims of the abuse.
If the CPT concludes that abuse has in fact occurred:

b) Appropriate reports are filed with Child Protection Services of the Department of Social Services and with the police. Please note that the referral may not be accepted by DSS for investigation since most DSS's only have jurisdiction over cases involving parents and/ or caretakers as well as schools and daycare centers. The police may only get involved if the victim's parents wish to press charges. It is quite possible that neither the DSS nor the police will be involved and the case will be an internal ISKCON matter.

c) The local CPT notifies the local temple president, local GBC, and local gurukula if the alleged offender is a student or has access to the students.

d) The case is reported to the police (in countries where there is a justice system which responds to child abuse reports) if the parents of the alleged victim want to file charges.

e) The CPT in consultation with central office, local temple president, local GBC, director of local gurukula designs a Supervision Contract among the parents of the abuser, the abuser personally, and the local ISKCON temple.

f) The parents of the offender must agree to the terms, if their child is to have any access to or involvement in ISKCON activities/ facilities.

g) The supervision contract specifies how the alleged offender's access to the victim(s) should be restricted to avoid more abuse and to minimize emotional trauma for the victim(s). It should specify how the perpetrator will be supervised to protect other children. For example, it might read "No sleepovers" or "no unsupervised play dates" or "No attendance at any Temple function without strict supervision." This contract should be in effect until the teen is evaluated by a specialist in adolescent sexual behavior problems. It may be revised accordingly after evaluation and risk assessment.

h) The parents of the abuser must take their child to a health professional trained in the field of adolescent sex offenders for evaluations, risk assessment, and treatment/counseling.
i) If treatment is recommended by a specialist in adolescent sexual behavior problems, the parents of the abuser must agree in writing to see that their child obtains and attends such counseling sessions. Failure to do so will automatically bar their child from involvement in and or attendance at any ISKCON function.

j) The CPT should establish a mood of compassion yet clearly maintain the necessity for protective intervention for both the victim and the offender. All good faith efforts to avoid stigmatization should be made. The families of the victim and the abuser will both need community support.

k) If a teenager perpetrator was previously abused by an ISKCON authority or while under ISKCON's care, ISKCON has a moral obligation to help with the teenager's counseling.

VII RELEVANT GBC RESOLUTIONS

(Voted into ISKCON law February, 1998)

A. Decisions of judges are final. No appeal process except as outline in this proposal.

B. GBC chair is responsible to see that decisions are enforced and will issue time limits for verdicts to be enacted. Local GBCs and temple presidents are to help GBC chair in implementing these verdicts.

C. If individuals named in a decision are in their area of responsibility, the local GBCs and temple presidents are obliged to work together with the director of the central office to see that verdicts of this system are carried out.

D. Failure to assist as outlined in "b" and "c" will result in censures as described in existing GBC resolutions. In such cases, the GBC executive committee can then intercede and direct the local temple president and local GBC etc to implement these verdicts and standards.

E. It is every GBC's duty to be sure there are active and trained CPTs in place at the temples/ projects/ schools under their supervision with help and reminders from central and or regional office

F. Until a police investigation, trial, and verdict and or a case has gone through ISKCON's child protection court system, the local CPT, with guidance and confirmation from the regional or central child protection office, determines the interim protection requirements for alleged victim and restrictions on alleged abuser. The local leaders and GBC must respect and help implement those guidelines.

Modifications of the above and the appeal process can be found in section labeled, "Appeal Process".

Note, this system removes the current GBC resolution of a a three-fourths vote of the householders being the criteria for deciding whether a convicted abuser can live on ISKCON property. (From experience, those working this field have found that method to be fraught with faults and complications.)

G. All ISKCON leaders (GBCs, gurus, temple presidents, project directors and managers etc.) are obliged to follow the guidelines for screen those who live on ISKCON property and serve with our temples, schools, farms, and other projects.

H. The task force, in consultation with the director of the central office, may find that additional standards, guidelines, and resolutions are required to implement and improve this proposed system. Those additional standards, guidelines, and/ or resolutions will be reviewed by the GBC executive committee first, and with the GBC executive committee's approval, they will become provisionally binding on all ISKCON members, until they are reviewed and accepted, revised, or rejected at the next annual GBC meeting or GBC e-mail voting session whichever method is selected by the GBC executive committee.

********** END **********

Appendix X

Description: Opinion Letter, Clarification Letter, and Email from Kirton McConkie, *pg. 39*

December 1, 2021

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Re: Opinion Letter – Lokanath Swami

Dear Sirs,

Thank you for the opportunity to advise the International Society of Krishna Consciousness regarding this sensitive matter involving Lokanath Swami. We hope this guidance is helpful in your continuing efforts to address this situation appropriately and with sensitivity to the victim. At the outset, we apologize if we have misused terms or titles or have improperly described any aspect of your beliefs and practices. As you know, the nomenclature, beliefs, policies, and polities of religious organizations are often a world and language unto themselves. So please let us know if we've gotten something wrong.

In this opinion letter, we will analyze whether Lokanath Swami faces potential criminal and civil liability for molesting an 11-year-old girl in New Jersey in 1990. We will also analyze whether ISKCON faces any civil liability. We reach the following conclusions:

- From our understanding of the facts, it appears Lokanath committed the crime of sexual assault, which carries a presumptive penalty of seven years in prison.
- There is no statute of limitations for this crime. Lokanath could still be arrested and prosecuted in New Jersey.

- ❖ Lokanath also faces civil liability to his victim. The statute of limitations for a civil claim does not expire until the victim reaches the age of 55.
- ❖ ISKCON should face little risk of civil liability for Lokanath's misconduct, primarily because there is no evidence ISKCON knew or should have known Lokanath had a propensity for such conduct. That said, these cases are toxic and dangerous, even when it appears the religious organization should prevail.
- ❖ If Lokanath were to engage in similar misconduct in the future, ISKCON would face a significant risk of civil liability, including punitive damages.
- ❖ Failure to address this matter appropriately could result in additional liability even in unrelated matters in the future.
- ❖ We recommend that ISKCON not place Lokanath in any position where he has access to children as part of his responsibilities.

BACKGROUND

These are the facts as we understand them. If we have misstated anything or there is additional information you think we should have, please let us know.

In 1990, Lokanath Swami, a spiritual leader within ISKCON and a resident of India, got injured. [redacted] [redacted] a member of ISKCON, invited Lokanath to stay at his New Jersey home while recovering. [redacted] asked Lokanath to help impart Indian culture to his 11-year-old daughter, Satya. Lokanath touched Satya inappropriately by rubbing her legs and inner thighs while teaching her a musical instrument, smacking her on the butt, and placing the back of his hand on her crotch while reading to her, all over the clothes.

In 1993, Satya brought these incidents to the attention of the Governing Body Commissioner.[1] A GBC committee investigated her allegations. Lokanath was suspended from initiating further disciples for five years and his movements within ISKCON were restricted. In 2010, Lokanath issued a public apology. He wrote:

[1] We understand that ISKCON is decentralized. Each local temple is independently incorporated with its own board. There are continental bodies, but the North American Council is not incorporated. The global movement is based in India. Each temple is under the supervision of a Governing Body Commissioner (an officer of one of the Indian entities), who is not involved in day-to-day operations but ensures that temples stay within the general philosophical parameters of ISKCON. That GBC body decides who is authorized to act as a spiritual leader within the movement.

> The incident that most distressed Satya, however, took place one morning in the living-room. As we sat reading together, I touched her right thigh and moved my hand between her knee and upper thigh, over her clothing. While I was touching her upper thigh region, I also touched her private part. Satya was clearly shocked and disturbed by this act, and I was immediately overcome by regret and shame at my actions.

Lokanath also sought forgiveness from Satya directly, in writing and in person. At the time, she and her family seemed satisfied.

ANALYSIS

We now analyze the potential criminal and civil liability for Lokanath Swami, followed by the potential civil liability for ISKCON.

I. Lokanath Swami still faces potential criminal liability.

A. Lokanath's conduct constitutes sexual assault under N.J. law.

Lokanath's conduct was sexual assault under N.J.S. § 2C-14-2 (1990). Under N.J.S. § 2C:14-2, "An actor is guilty of sexual assault if he commits an act of sexual contact with a victim who is less than 13 years old and the actor is at least 4 years older than the victim." N.J.S. § 2C:14-2 (1990). "Sexual contact" is "an intentional touching ... either directly or through clothing, of the victim's ... intimate parts for the purpose of degrading or humiliating the victim or sexually arousing or sexually gratifying the actor." N.J.S. § 2C:14-1(d) (1990). "Intimate parts" are the "sexual organs, genital area, anal area, inner thigh, groin, buttock or breast of a person." N.J.S. § 2C:14-1(e) (1990). Because Lokanath touched Satya's genital area, inner thigh, groin, and buttock for the purpose of sexual arousal, and because she was under 13 at the time, Lokanath is guilty of sexual assault in violation of N.J.S. § 2C-14-2.

B. There is no statute of limitations for sexual assault.

At the time of the offense (1990), the statute of limitations for sexual assault was "five years of the victim's attaining the age of 18." N.J.S. § 2C:1-6 (1990). This statute limitations would have expired in 2002. By 1997, however, New Jersey had amended the statute of limitations: "A prosecution for any offense set forth in ... N.J.S. 2C:14-2 may be commenced at any time." N.J.S. § 2C:1-6 (1997). Because the original statute of limitations had not expired when this change was made, the new statute of limitations is applicable. See State v.

E.W., 992 A.2d 821, 825 (N.J. App. 2010). Accordingly, it is our opinion that Lokanath could still be charged with criminal sexual assault in violation of N.J.S. § 2C-14-2(b). Sexual assault is a crime of the second degree. Id. § 2C:14-2(c)(5). In 1990 (and still today) the "presumptive sentence" for a crime of the second degree was 7 years, which can be increased or decreased based on a list of mitigating or aggravating factors. N.J.S. § 2C:44-1 (1990).

II. The civil statute of limitations for claims against ISKCON and Lokanath has not expired.

In 2019, New Jersey amended its statute of limitations for civil claims, whether against the perpetrator or a third party, arising from damages caused by sexual abuse. Plaintiffs now have until age 55 to bring claims based on sexual abuse. N.J.S. § 2A-14-2a(1). In R.A. v. W. Essex Reg'l Sch. Dist. Bd. of Educ., 2021 WL 3854203, *12 (N.J. App. Aug. 30, 2021), the court held that this statute was retroactive, meaning it revives claims that were previously barred. In New Jersey, expiration of the statute of limitations does not create a "vested right," thus, a previously barred claim can be revived by an amendment to the statute of limitations.[2] See S.Y. v. Roman Catholic Diocese of Paterson, 2021 WL 4473153 (D.N.J. Sept. 30, 2021) (analyzing New Jersey "vested rights" law).

Sexual abuse victims occasionally sue for emotional damages caused by how the defendant responded to the abuse. Victims have alleged, for example, that they were damaged emotionally because the religious institution shunned them, shamed them into silence, or blamed them for the abuse. New Jersey law only revives claims based on the abuse itself. Any claim based on how ISKCON responded to the abuse would be barred.

III. Lokanath faces civil liability.

Because the civil statute of limitations provides no protection, Lokanath faces civil liability until Satya reaches age 55. Unless Lokanath returned to the United States, service

[2] New Jersey also opened a two-year window, effective December 1, 2019, for plaintiffs to bring previously-barred claims. "Notwithstanding the statute of limitations ... an action at law for an injury resulting from the commission of a sexual assault, any other crime of a sexual nature, a prohibited sexual act ... or sexual abuse ... that occurred prior to the effective date of P.L. 2019, c.120 (C.2A:14-2a et al.) and which would otherwise be barred through application of the statute of limitations, may be commenced within two years immediately following the effective date." N.J.S. § 2A:14-2b. This window expires December 2, 2021. But that makes no difference because Plaintiff now has until age 55.

would have to be made pursuant to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents. While this is time-consuming and can take up to a year, it does not present a substantial hurdle.[3] Lokanath would not have any defenses to a civil claim by Satya.

IV. ISKCON does not face civil liability.

For purposes of the analysis that follows, we will assume that Lokanath was an agent of ISKCON. If Lokanath was an agent of some related entity—a local or regional entity, for example—this analysis would apply to that entity.

A. ISKCON does not face respondeat superior liability.

"For liability to attach to an employer under the doctrine of respondeat superior, the plaintiff must prove the existence of an employer-employee relationship and that the employee's tortious actions occurred within the scope of that employment." G.A.-H. v. K.G.G., 238 N.J. 401, 415 (2019). "Conduct is generally considered to be within the scope of employment if, it is of the kind that the servant is employed to perform; it occurs substantially within the authorized time and space limits; and it is actuated, at least in part, by a purpose to serve the master." Di Cosala v. Kay, 91 N.J. 159, 169 (1982). Sexual abuse is obviously not within the scope of employment of a religious or spiritual advisor. Thus, ISKCON could not be held vicariously liable for Lokanath's criminal misconduct.

B. It is unlikely ISKCON could face liability for negligence.

Because ISKCON is not vicariously liable for Lokanath's misconduct, Satya would have to prove that ISKCON itself was negligent. Plaintiffs in her position usually sue for negligence in hiring or supervising an unfit agent, or negligent failure to warn about an agent with dangerous propensities. "Unlike respondeat superior, negligent hiring, supervision, and training are not forms of vicarious liability and are based on the direct fault of an employer." G.A.-H., 238 N.J. at 415.

Based on our understanding of the facts, ISKCON would not face any liability for two reasons: First, under the circumstances in which the abuse occurred, ISKCON probably did

[3] https://www.wazirsingh.com/nri-legal-services-in-india/service-of-documents-under-hague-convention.html

not have a duty to protect Satya or control Lokanath. Second, Satya could not prove that ISKCON knew or should have known that Lokanath had a propensity for such conduct.

1. ISKCON probably did not owe Satya a duty of care.

A person generally has no duty to prevent harm caused by a third party. This changes when there is a "special relationship" between that person and either the victim or the perpetrator. "[A] relationship between the victim and one in a position to provide aid may create a duty to render assistance." Podias v. Mairs, 926 A.2d 859, 864 (N.J. App. 2007). Likewise, a duty "to take reasonable precautions for the safety of others may include the obligation to exercise control over the conduct of third persons with dangerous propensities" if the defendant has a special relationship with that person. Id.

a. ISKCON did not have a special relationship with Satya.

Every court to address the issue has held that membership, belief, or participation in a religious organization does not create a "special relationship." Thus, a religious organization has no generalized duty to protect its believers from harm caused by a third party. There is "no authority" for imposing a "duty on ... a church to prevent its members from harming each other."[4] Conti v. Watchtower Bible & Tract Soc'y, 235 Cal.App.4th 1214,

[4] See Meyer v. Lindala, 675 N.W.2d 635, 640-41 (Minn. App. 2004) (rejecting plaintiff's argument that a special relationship existed because the church's "doctrine ... provides that members rely on congregation elders for all of their concerns" and requires "that members only associate with other Jehovah's Witnesses" which "amounts to significant control, which deprived [them] of normal opportunities for self-protection," because the church "did not have custody or control over [plaintiffs] at the time of the alleged misconduct" and "[p]roviding faith-based advice or instruction, without more, does not create a special relationship"); Bryan R. v. Watchtower Bible & Tract Soc'y, 738 A.2d 839, 847 (Me. 1999) ("The creation of an amorphous common law duty on the part of a church or other voluntary organization requiring it to protect its members from each other would give rise to both unlimited liability and liability out of all proportion to culpability."); Roman Catholic Bishop v. Sup. Ct., 42 Cal.App.4th 1556 (1996) (no special relationship exists "based on a priest/parishioner relationship"); Doe v. Corp. of the President of The Church of Jesus Christ of Latter-day Saints, 98 P.3d 429, 432 (Utah App. 2004) ("[W]e also reject Plaintiffs' argument that [church] membership alone was sufficient to establish a special relationship between [the church] and Plaintiffs that created a duty on [the church's] part to warn Plaintiffs about Tilson."); Williams v. United Pentecostal Church Intern., 115 S.W.3d 612, 615 (Tex. App. 2003) (holding that churches and child members do not stand in a special relationship); Bouchard v. New York Archdiocese, 2006 WL 1375232, * 6 (S.D.N.Y. May 18, 2006) ("Plaintiff's allegations do not make out the existence of any sort of special relationship between the Church Defendants and Plaintiff beyond that general relationship between a church or religious body and a congregant. That general relationship is insufficient in law to support the finding of a fiduciary duty.").

1227 (2015). Thus, Satya cannot say ISKCON had a duty to protect her merely because she was an ISKCON member.

One of the special relationships recognized in New Jersey and elsewhere is that between guardian and ward. See Champion ex rel. Ezzo v. Dunfee, 398 N.J. Super. 112, 122 (App. Div. 2008). Thus, religious organizations do have a duty to protect minors when they are in the organization's custody and control. "In cases involving minors, courts generally have recognized a special relationship where adults and organizations 'acted as quasi-parents by assuming responsibility for the safety of [minors] whose parents were not present.'" Doe v. The Roman Catholic Archbishop of Los Angeles, -- Cal.Rptr.3d --, 2021 WL 4891312, *6 (Cal. App. Oct. 20, 2021) quoting Doe v. United States Youth Soccer Ass'n, Inc., 8 Cal.App.5th 1118, 1130 (2017).

But Satya was abused in her own home while in her parents' custody. ISKCON did not have a "special relationship" with her under those circumstances. In Lewis v. Bellows Falls Congregation of Jehovah's Witnesses, 95 F. Supp. 3d 762 (D. Vt. 2015), the court held that no special relationship existed between a minor parishioner and the Congregation while one of the Congregation's elders was babysitting the parishioner in his own home. "The Complaint ... does not allege True molested Lewis while she was under the care of the Congregation; rather, it asserts True molested her on his property while babysitting her." Id. at 769. Further, the complaint did not allege "that the Congregation or Watchtower had any involvement in the babysitting arrangement apart from the fact that both True and Plaintiff's family were involved with the Jehovah's Witness Church."[5] Id. at 769.

Likewise, because Satya was not in ISKCON's custody and control at the time of the abuse, ISKCON did not have a "special relationship" with her when the abuse occurred.

b. ISKCON probably did not have had a special relationship with Lokanath.

A religious organization can also owe a duty of care to a victim based on a "special relationship" with the *perpetrator* of abuse. The traditional master-servant relationship is

[5] In Lewis, the court also rejected the argument that a church has a duty to warn parishioners even if it does not have a duty to protect. Lewis, 95 F. Supp. 3d at 770.

considered a special relationship. See Doe v. XYC Corp., 887 A.2d 1156, 1168 (N.J. 2005) (noting the master's "duty to control the servant's conduct"). Thus, a religious organization does have a special relationship with its clergy and other employees and volunteers that are under its control. This is the primary basis on which the Catholic Church and so many other churches have been held liable for clergy abuse.

But when the servant engages in conduct that is outside the scope of his duties, such as sexual abuse, the organization's duty is more limited. Id.

> A master is under a duty to exercise reasonable care so to control his servant while acting outside the scope of his employment so as to prevent him from intentionally harming others ... if (a) the servant (i) is upon the premises in possess on of the master or upon which the servant is privileged to enter only as his servant, or (ii) is using a chattel of the master, and (b) the master (i) knows or has reason to know that he has the ability to control his servant, and (ii) knows or should know of the necessity and opportunity for exercising such control.

Restatement (Second) Torts § 317. Liability exists because "[u]nder these circumstances, a risk of harm to other was reasonably within the master's range of apprehension." Doe, 887 A.2d at 1168 (quotation marks and brackets omitted).

Thus, courts have almost universally held that religious organizations are *not* liable for the *off-duty* misconduct of their agents.[6] There must be a connection between the abuse and the cleric's religious duties. In Roman Catholic Bishop of San Diego v. Sup. Ct., 42 Cal.App.4th 1556 (1996), a 15-year-old parishioner was sexually abused by her priest. The abuse occurred when the priest "took [plaintiff] from her home to various public places and hotels." Id. Thus, the court held that the church did not have a duty to protect the plaintiff or supervise the priest under the circumstances in which the abuse occurred because it had no control over their private, off-hours, interactions. Id.

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[6] In this section we rely significantly on cases from other jurisdictions. There are two reasons for this. First, as discussed below, because New Jersey has, until recently, retained charitable immunity for religious organizations, there are few New Jersey cases that address clergy abuse. Second, the general principles are the same in almost every state. There is no reason to believe a New Jersey court would not adopt the same reasoning as these cases.

In R.A. v. First Church of Christ, 748 A.2d 692 (Sup. Ct. Pa. 2000), a minister's daughter "struck up a friendship with seven year old plaintiff R.A., who lived with her parents ... on the same street as the [minister's] family." Id. at 695. "R.A. was often at the [minister's] house and sometimes attended First Church with her mother or the [minister's] family" and "also participated in other First Church activities, including an elementary level after school program ...." Id. The minister abused R.A. "All incidents of abuse occurred at [the minister's] house except on one occasion when some of the abuse may have occurred at R.A.'s own home. None of the abuse occurred on First Church's premises." Id. The court rejected R.A.'s negligence claims. "[T]he Church can have no liability ... for failing to exercise reasonable care to control [the minister] ... because none of the harm was caused on Church premises or on premises to which he gained admittance only as a Church employee." Id. at 699. The minister's home was "owned by him and his wife and they were the only parties who had control thereof."[7] Id.

In Lewis v. Bellows Falls Congregation, 95 F. Supp. 3d 762, the plaintiff alleged that True, an elder, "molested her on his personal property, not on property belonging to the Congregation or Watchtower." Id. at 768. The plaintiff argued that "the Congregation had a duty to protect her from True because it was aware of True's prior abuse of minor congregants." Id. The court rejected the argument because "mere foreseeability is insufficient to establish a duty to control if the servant is not on the master's premises or using a chattel of the master." Id. Thus, the court concluded that there "is no 'special relationship' between the Congregation and True giving rise to a duty when he is not on the Congregation's premises or carrying out the Congregation's business, and therefore the Congregation had no duty to control True when he was babysitting a child outside Congregation activities." Id.

We understand that Lokanath had traveled to New Jersey on official business but was injured, and that [redacted] on his own accord, invited Lokanath to stay with his family

[7] See also Meyer, 675 N.W.2d at 640 (church had no duty to prevent abuse of minor parishioner that occurred "at [her] residence, on a snowmobile, and in an automobile" and not on church property or during church functions); Doe, 98 P.3d at 432 (affirming dismissal where abuse did not occur "on [church] property, during a [church] sponsored activity, or in connection with [the perpetrator's] position as a High Priest or scout leader").

while he healed. ISKCON did not make or control the arrangements, and Lokanath was not in the [redacted] home as the result of any ISKCON practice. In other words, our understanding is that this was a private arrangement. Accordingly, we believe ISKCON has a fair argument that it had no duty to supervise or control Lokanath while he was staying in the [redacted] home. A court could disagree, however. If ISKCON had known that Lokanath posed a danger to Satya, New Jersey could rely on broad notions of "public policy" to conclude that ISKCON had a duty to warn Satya's family "because the common law can adapt to the public policy of the times."[8] G.A.-H., 238 N.J. at 411. Further, we assume that while he was recovering in the [redacted] home, Lokanath was also performing at least some of his religious responsibilities. A court could, therefore, conclude that ISKCON did have a duty to supervise and control him while he was living in the [redacted] home.[9]

3. The abuse was not foreseeable.

Even if a New Jersey court concluded that ISKCON had a duty to supervise and control Lokanath while he was living in the [redacted] home, ISKCON would not be liable because it had no reason to anticipate that he would molest Satya.

In cases like this, the principal's duty is to exercise reasonable care in selecting and supervising its agents. "The principal may be negligent because he has reason to know that the servant or other agent, because of his qualities, is likely to harm others in view of the work or instrumentalities entrusted to him." Di Cosala v. Kay, 91 N.J. 159, 171 (1982). In other words, the principal "is bound to use reasonable care to select employees competent and fit for the work assigned to them and to refrain from retaining the services of an unfit employee." Id. at 172. Liability arises when the employer "knew or should have known that

---

[8] See also G.A.-H., 238 N.J. at 414 ("Courts consider several factors when determining whether a duty of care is owed: fairness and public policy; foreseeability; the relationship between the parties; the nature of the conduct at issue; and the ability to alter behavior to avoid injury to another.") (quotation marks omitted).

[9] Since at least 1990, New Jersey law has required "[a]ny person having reasonable cause to believe that a child has been subjected to child abuse or acts of child abuse" to "report the same immediately to the Division of Youth and Family Services by telephone or otherwise." N.J.S. § 9:6-8.10 (2009). Some plaintiffs have used a statutory duty to report as the basis for a duty to protect. In this case, however, Satya did not come forward until 1993 and she was not abused after that. Thus, even if some ISKCON official in New Jersey violated a duty to report—and we have no reason to believe that is the case—she suffered no harm as a result.

the employee was violent or aggressive, or that the employee might engage in injurious conduct toward third persons." Id.

> An employer will only be held responsible for the torts of its employees beyond the scope of the employment where it knew or had reason to know of the particular unfitness, incompetence or dangerous attributes of the employee and could reasonably have foreseen that such qualities created a risk of harm to other persons.

Id. at 173.

This same standard is applied to claims for negligent hiring and negligent supervision of an unfit employee:

> To be found liable for negligent hiring, the plaintiff must show: (1) that the employer knew or had reason to know of the particular unfitness, incompetence or dangerous attributes of the employee and could reasonably have foreseen that such qualities created a risk of harm to other persons and (2) that, through the negligence of the employer in hiring the employee, the latter's incompetence, unfitness or dangerous characteristics proximately caused the injury. To be found liable for negligent supervision or training, the plaintiff must satisfy what is essentially the same standard, but framed in terms of supervision or training. That is to say, the plaintiff must prove that (1) an employer knew or had reason to know that the failure to supervise or train an employee in a certain way would create a risk of harm and (2) that risk of harm materializes and causes the plaintiff's damages.

G.A.-H., 238 N.J. at 416. See also Evan F. v. Hughson United Methodist Church, 8 Cal.App.4th 828, 837 (1992) ("[T]he theory of negligent hiring here encompasses the particular risk of molestation by an employee with a history of this specific conduct."); Juarez v. Boy Scouts of Am., Inc., 81 Cal.App.4th 377, 395 (2000) ("[T]here can be no liability for negligent supervision in the absence of knowledge by the principal that the agent or servant was a person who could not be trusted to act property without being supervised.").

It is our understanding there is no evidence that Lokanath had done anything like this before he molested Satya or that ISKCON had any reason to anticipate that he would molest Satya. In the absence of such evidence, any claim against ISKCON should fail.

Plaintiffs will sometimes allege that the abuse was foreseeable because abuse was rampant within the organization generally. This has worked, to a small degree, in claims against the Boy Scouts of America where, for example, one court held that because abuse within Scouting was generally foreseeable, even if the Boy Scouts did not know a particular perpetrator posed a danger, it still had a duty to take reasonable steps to prevent abuse. See Juarez v. Boy Scouts of Am., Inc., 81 Cal.App.4th 377, 397-400 (2000). So far, at least, this theory has not been successful against religious organizations. See e.g., Boy 1, et al. v. Boy Scouts of Am., 832 F.Supp.2d 1282, 1290 (W.D. Wash. May 19, 2011) ("Washington has yet to impose liability on a church for the abuse of a member of the congregation at the hands of a worker absent evidence that the church knew or should have known of *that worker's deviant propensities.*"). Further, such a theory is more likely to apply when a young person is participating in a youth camp or other activity controlled by the organization charged with protecting the youth participants. We do not believe it would apply to this case.

V. Considerations other than liability.

In sum, ISKCON should face little risk of civil liability on these facts. This does not mean a plaintiff's attorney would be unwilling to file suit. Plaintiff's attorneys are clever enough to plead a claim that could overcome a motion to dismiss. And a plaintiff's attorney can then create significant pressure in ways having little to do with the merits of the case:

- Plaintiff's attorneys will seek as much publicity as they can, and use that publicity to troll for other claims against the defendant and to create settlement pressure.
- Plaintiff's attorneys will use liberal discovery mechanisms to request all internal communications and documents regarding the matter at hand.
- Plaintiff's attorneys will use discovery to seek information about other abuse allegations involving ISKCON employees and agents. They will argue that other abuse matters are relevant to show a pattern of ignoring or covering up abuse claims, or that it's relevant to punitive damages.
- Plaintiff's attorneys will use discovery to ask for financial or other sensitive records.
- Also, courts often bend over backwards in sexual abuse claims against religious organizations to avoid dismissal.

These cases are simply toxic and dangerous, even when it appears the religious organization should prevail.

VI. The New Jersey charitable immunity statute provides some additional protection.

New Jersey is one of the few states that still provides immunity to charitable organizations for ordinary negligence:

> No nonprofit corporation, society or association organized exclusively for religious, charitable or educational purposes or its trustees, directors, officers, employees, agents, servants or volunteers shall, except as is hereinafter set forth, be liable to respond in damages to any person who shall suffer damage from the negligence of any agent or servant of such corporation, society or association, where such person is a beneficiary, to whatever degree, of the works of such nonprofit corporation, society or association; provided, however, that such immunity from liability shall not extend to any person who shall suffer damage from the negligence of such corporation, society, or association or of its agents or servants where such person is one unconcerned in and unrelated to and outside the benefactions of such corporation, society or association.

N.J.S.A. 2A:53A-7(a).

"By the plain meaning of N.J.S.A. 2A:53A-7(a), an entity qualifies for charitable immunity when it (1) was formed for nonprofit purposes; (2) is organized exclusively for religious, charitable or educational purposes; and (3) was promoting such objectives and purposes at the time of the injury to plaintiff who was then a beneficiary of the charitable works." Hardwicke v. American Boychoir Sch., 902 A.2d 900, 916 (N.J. 2006).

A. Charitable immunity does not apply claims for negligent hiring, supervision, retention.

In 2006, however, New Jersey amended the charitable immunity act to eliminate immunity for "a claim in any civil action that the negligent hiring, supervision or retention of any employee, agent or servant resulted in a sexual offense being committed against a person under the age of 18 who was a beneficiary of the nonprofit organization." N.J.S. § 2A:53A-

7.4. But it would still apply to a claim for negligent failure to warn, for example, which is significant in a case like this.

B. Charitable immunity does not apply to claims for gross negligence or willful misconduct.

In 2019, New Jersey eliminated charitable immunity when the defendant is guilty of "willful, wanton, or grossly negligent" conduct that results in sexual abuse:

> (c) Nothing in this section shall be deemed to grant immunity to:
>
> (1) any nonprofit corporation, society or association organized exclusively for religious, charitable, educational or hospital purposes, or its trustee, director, officer, employee, agent, servant or volunteer, causing damage by a willful, wanton or grossly negligent act of commission or omission, including sexual assault, any other crime of a sexual nature, a prohibited sexual act as defined in section 2 of P.L.1992, c.7 (C.2A:30B-2), or sexual abuse as defined in section 1 of P.L.1992, c.109 (C.2A:61B-1).

N.J.S. § 2A:53A-7(c)(1).

VII. Damages

New Jersey law does not cap noneconomic damages. Punitive damages are capped at "five times the liability of that defendant for compensatory damage or $350,000, whichever is greater." N.J.S. § 2A:15-5.14(b).

Conclusions and Recommendations

As noted, Lokanath still faces the possibility of criminal and civil sanctions. ISKCON's risk of liability is low. In looking at other considerations, we offer the following thoughts and recommendations. Some of these will not apply to this circumstance, but could be useful in the future:

- Known perpetrators should rarely be "reinstated" and should never be placed in any position where they have access to children, for at least the following reasons:
  - ❖ First and foremost, to protect children. Recidivism rates are high among child molesters.
  - ❖ Second, to protect the organization from liability. If Lokanath were to abuse another child, ISKCON would face significant liability.
  - ❖ Third, even in unrelated matters, plaintiff's attorneys will use the reinstatement of a known perpetrator to show callousness and a willful

disregard of the safety of children, which can result in substantial punitive damages.

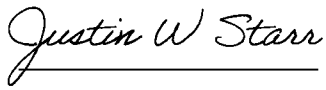
- ❖ Fourth, reinstatement can damage the faith of believers and victims of abuse often take it as a sign that the organization does not care about their trauma.

- It is critical that religious organizations have in place the very best practices and procedures for dealing with allegations of sexual abuse. Though these may differ based on the unique structure and beliefs of the religious organization, the following are a few of the critical measures that are now almost uniform among religious organizations:
  - ❖ Exclude known perpetrators from all positions where they will have contact with children.
  - ❖ Ensure that reporting laws are always obeyed.
  - ❖ Avoid, wherever possible, one-on-one interaction between adults and children.
  - ❖ Never discourage a victim or his or her family from reporting abuse to authorities or from testifying against a perpetrator.
  - ❖ Never disregard a report of abuse. Experience shows that victims rarely make up abuse.

Finally, the media love stories about "clergy abuse." The victim or her advocates, or a plaintiff's attorney, would have little difficulty bringing media attention to this matter, especially if Lokanath were placed in any prominent role or were deemed to have been insufficiently punished. Such publicity would increase the risk of Satya filing a claim and could result in others coming forward with claims against ISKCON as well.

We are happy to discuss these conclusions or assist in any way we can after you've had a chance to review this letter.

Sincerely,
Kirton McConkie



January 13, 2022

Sivakumar Rajagopal
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170 South Main Street, Suite 1500
Salt Lake City, Utah 84101

Re: Opinion Letter – Lokanath Swami – Response to Request for Clarifications

Dear Sirs,

We write in response to your follow-up questions and request for certain clarifications. Thank you for the addition information you provided.

1. Would the touches be criminal if they were unintentional?

No. An *unintentional* touch on any part of Satya's body would not be criminal under any New Jersey law. New Jersey law requires an "*intentional* touching ... either directly or through clothing, of the victim's ... intimate parts for the purpose of degrading or humiliating the victim or sexually arousing or sexually gratifying the actor." N.J.S. § 2C:14-1(d) (1990). If any of the touches were either (1) unintentional, or (2) not for the purpose of sexual arousal or sexual gratification, they would not be criminal.[1]

[1] If the touching were unintentional, that would also mean Satya could not prevail on a tort claim against Lokanath Swami for battery or assault, which are both intentional torts; she would have to plead some kind of negligence claim.

2. Would all three touches be criminal?

There were three different touches: (1) a rub on the leg during harmonium lessons, (2) a pat on the butt, and (3) resting the back of his hand on her crotch/groin area while reading. A person's "intimate parts" include the "genital area, ... inner thigh, groin, [and] buttock ...." N.J.S. § 2C:14-1(e). Thus, *if* the touching was intentional and done for the purpose of sexual arousal or sexual gratification, touches (2) and (3) would be criminal, touch (1) would only be criminal if the rub was on the *inner* thigh.

3. Is ISKCON protected by charitable immunity?

You asked for clarification about whether ISKCON is protected by charitable immunity under New Jersey law. ISKCON would *not* be protected against claims of negligent hiring, negligent retention, negligent supervision, or gross negligence, but would be protected against any other kind of negligence claim. If Satya chose to sue ISKCON, she would probably plead negligent supervision and gross negligence. But, again, she would have to establish that ISKCON had a duty to supervise and control Lokanath Swami while he was living with Satya's family. She would also have to plead and prove that ISKCON knew or should have known that Lokanath Swami posed a danger to her, which likely means proving that he had done something like this before. For reasons explained in our previous letter, we believe she would have a difficult time prevailing on any claim against ISKCON.

Conclusion

Given the amount of time that has passed and the fact that Satya's story has some inconsistencies, we believe criminal prosecution is unlikely, but not inconceivable.

For reasons we have explained, we believe Satya would have a difficult time establishing civil liability against ISKCON, but would likely prevail in a civil claim against Lokanath Swami. We emphasize again, however, that these are highly volatile and risky cases.

In your shoes, our primary concern would be the fact that this situation increases the future risk of liability if ISKCON does not handle it properly.

We are happy to discuss these conclusions or assist in any way we can after you've had a chance to review this letter.

Sincerely,
Kirton McConkie

Justin W Starr

Gmail **Navina-Syama dasa <iskconlaw@gmail.com>**

Lokanath Swami

Justin Starr <jstarr@kmclaw.com> Tue, Jan 18, 2022 at 8:40 PM
To: Navina-Syama dasa <iskconlaw@gmail.com>
Cc: GEORGE PRATT <GPRATT@joneswaldo.com>, Randy Austin <raustin@kmclaw.com>, Timothy Burton Anderson <tanderson@kmclaw.com>

Navin,

As the New Jersey reporting statute is worded, a person who learns about child abuse three years after it occurs would still have a duty to report. That is at least what the plain language of the statute says. In our experience, however, the law would not be enforced against a person who learned about abuse three years after the fact when there was no present risk of abuse. But the main point of the last sentence you quote below is this: any violation of a duty to report could not be used as a basis for civil liability because no abuse occurred after any failure to report. The failure to report could not have been the *cause* of any of the abuse and therefore could not be a basis for liability.

I hope that helps.

KIRTON McCONKIE

Justin Starr

Attorney

o 801-328-3600

d 801-321-4896

From: Navina-Syama dasa <iskconlaw@gmail.com>
Sent: Saturday, January 15, 2022 7:54 AM
To: Justin Starr <jstarr@kmclaw.com>
Cc: GEORGE PRATT <GPRATT@joneswaldo.com>; Randy Austin <raustin@kmclaw.com>; Timothy Burton Anderson <tanderson@kmclaw.com>
Subject: Re: Lokanath Swami

CAUTION: EXTERNAL

[Quoted text hidden]

Appendix Y

Description: Email from Yasoda Devi Dasi, *pg. 43*

Gmail **Navina-Syama dasa <iskconlaw@gmail.com>**

Letter from Yasoda

Navina-Syama dasa <iskconlaw@gmail.com> Wed, Jan 26, 2022 at 10:43 AM
To: Navina-Syama dasa <iskconlaw@gmail.com>

---------- Forwarded message ---------
From: **Tom Pourchot** <tamoharadas@gmail.com>
Date: Sun, Jan 23, 2022 at 5:23 AM
Subject: Letter from Yasoda
To: Navina-Syama dasa <iskconlaw@gmail.com>

Found this is old, old, files I have been searching.
One of the most complete discussions of the case by Yasoda, who was first on the scene with interviews.

Dear Pancaratna prabhu:

PAMO AGTSP

Your understanding of what Lokanatha Maharaja did is inaccurate and I fear
will be disastrous and viewed as a cover up if presented as such.

He did not touch her thigh. He had his hand on her genital area, not once.
but twice. He caressed her thigh during bhajanas. He playfully smacked her
on her fanny. He would move close to her when her mother was in the kitchen
and pull away when her mother came in. The girl fully felt sexually
betrayed and violated. To portray it is anything less than this would be a
disservice to her and her family. My concern is that your presentation of
things might incite them more since they were outraged and appaled by
Maharaja's behavior.

What the evaluation showed was that Maharaja is infantile in his sexual.
development. He did what he did and the girl's reaction to it was normal
and justified. The trick here is to understand a very sophisticated
clinical concept, ie, that although he did commit these deeds , he did them
without paraphiliac tendencies due to his arrested sexual development.

I don't envy you this task. I was the one who

evaluated the girl and her
family in her home. I saw first hand how she felt
sexually violated and how
her family felt betrayed. I had to struggle to digest
and understand the
results of the evaluation, what to speak of a layman.

Also, please note that it was not only Maharaja's
sexual development that
was arrested. His understanding and empathy for the
girl and her family was
sorely lacking. My guru and I had to ghost write his
apology letter to her
since he didn't quite get how his actions shook them
to their cores.

Good luck!

Your servant,
Yasoda

[Nov. 22, 1998]