

NORMS AND PROCEDURES OF THE SAFE ENVIRONMENT COMMITTEE IN THE VINCENTIAN CONGREGATION

PART I

PRELIMINARY NORMS

Section I – Title and Objectives

1. Title: These norms are called “Norms and Procedures of the Safe Environment Committee in the Vincentian Congregation”. These norms apply to the members of Vincentian Congregation, houses and institutions, as the case may be, according to the definitions given in this document.
2. The objectives of the Vincentian Safe Environment Committee are the following:
 - 2.1 To implement the policy of the ecclesiastical as well as civil authorities against harassment and abuse committed against women, children or vulnerable adults by any category of Vincentian personnel.
 - 2.2 To remain as a permanent mechanism for the prevention and redressal of harassment cases and other acts of gender-based violence and its cover ups in any form.
 - 2.3 To ensure the implementation of the Safe Environment Policy through proper handling of the complaints and their follow-up procedures.
 - 2.4 To uphold the commitment of the Vincentian Congregation to provide a safe environment free of gender-based discrimination where everyone can feel comfortable.
 - 2.5 To promote a social, psychological as well as a spiritual environment to raise awareness on harassment in its various forms.

Section II – Definitions

3. In these norms unless the context otherwise requires:
 - 3.1 **Safe Environment** means an environment where a person is free from sexual and all sorts of harassment and feels comfortable.
 - 3.2 **Minor** means any person under the age of eighteen or who is considered by law to be the equivalent of a minor.

3.3 Vulnerable Adult means any person in a state of infirmity, physical or mental deficiency or deprivation of personal liberty which, in fact, even occasionally, limits his or her ability to understand or to want or otherwise to resist the offence.

3.4 Vincentian Personnel means members of the Vincentian Congregation and others employed by Vincentian institutions or its volunteers.

3.5 Sexual Harassment means and includes any unwelcome sexual advances, requests for sexual favors and other verbal expression or physical conduct of sexual nature which makes a person feel offended, humiliated or intimidated. It includes any one or more of the following unwelcome acts or behavior, whether directly or by implication.

3.5.1 Physical contact and advances

3.5.2 Demand or request for sexual favors

3.5.3 Making sexually coloured remarks or jokes or conversation

3.5.4 Showing pornography

3.5.5 Any other unwelcome physical conduct or verbal or non-verbal expressions of sexual nature

3.5.6 Any act falling under the purview of the following cases will be considered as an incident of sexual harassment:

3.5.6.1 When submission to unwelcome sexual advances, requests for sexual favors, and verbal expression or physical conduct of a sexual nature are, implicitly or explicitly, made a term or condition for teaching, guidance, employment, participation or evaluation of a person's engagement in any activity.

3.5.6.2 When unwelcome sexual advances, and verbal or non-verbal expressions and/or physical conduct such as loaded comments, remarks or jokes, letters, phone calls or e-mails, message through any social media platform, gestures, exhibition of pornography, lurid stares, physical contact, stalking, sounds or display of a derogatory nature is verified.

3.5.6.3 When a person uses the body or any part of it or any object as an extension of the body with a sexual purpose in relation to another person without the latter's consent or against that person's will.

3.5.6.4 When deprecatory comments, conduct or any such behavior is based on the gender identity/sexual orientation of the person and/or when the premises or any public forum of the institute is used to denigrate/discriminate against person(s), or when a hostile environment is created on the basis of a person's gender identity/sexual orientation.

3.5.6.5 Teaching activities or explanation of various issues related to fertility, reproductive health and other research topics in a scientific manner as a part of

training programmes approved and endorsed by legitimate authorities will not be considered as harassment.

3.5.7 Relevant questions asked or explanations sought by the legitimate authorities (counsellors, judges etc.) regarding sexual problems, sexual orientation or the concept of sexuality of the contesting spouses in a marriage case in the ecclesiastical tribunals will not be considered as harassment.

3.7 **Cover up** means actions or omissions intended to interfere with or avoid civil investigations or canonical investigations, whether administrative or penal, against a Vincentian personnel, by his/her legitimate superior.

3.8 **Large Vincentian Institution** is with ten or more employees and the small Vincentian Institution has less than ten employees.

3.9 **Safe Environment Director** is the one who is responsible for implementing the Safe Environment Programme in Vincentian Congregation and ensuring adherence to its requirements. The Director is appointed by the Superior General/ Provincial or the one who holds his responsibility. There shall be Safe Environment Director for the major Vincentian Institutions of its own appointed by Superior General/Provincial Superior. The generalate/province level Safe Environment Director will be in charge of the small Vincentian institutions.

3.10 **Chairperson of Safe Environment Committee:** Chairperson co-ordinates the functions of the committee and he/she is responsible of convening regular/on demand meetings.

3.11 **Safe Environment Committee** means the Committee appointed by the Superior General/ Provincial Superior to assist the Safe Environment Director for implementing safe environment policy. The Safe Environment Committee of the major intuitions will be appointed by the local Safe Environment Director in consultation with the Superior General/Provincial Superior.

3.12 **Inquiry Committee** means the body entitled to conduct interrogation on the complaint raised. The Safe Environment Director of the generalate/province will appoint an Inquiry Committee (IC) in consultation with the Superior General/ Provincial Superior when complaints arise from the Vincentian Institutions without a Safe Environment Committee of its own. The Safe Environment Director of the Vincentian institutions shall appoint an Inquiry Committee for specific requirements in consultation with the Safe Environment Committee of the Institution.

3.13 **Complainant** means a victim, or if the victim is unable to make a complaint due to mental or physical incapacity or death, his/her parents/legal guardian/heir or such other person as may be prescribed by law.

3.14 **Respondent** means the Vincentian personnel against whom a complaint has been made.

3.15 Wherever **she/he** is used in these procedures to indicate a person or persons, it includes also the persons not belonging to either of these genders.

3.16 **Day** means a calendar day according to the Christian era excluding holidays, both religious and civil, whether full or partial.

Section III – Jurisdiction

4. These norms and procedures would apply to:

4.1 Members belonging to Vincentian Congregation and those who are working in the institutions run by Vincentian Congregation.

4.2 Candidates to priesthood and religious life as well as other similar entities.

4.3 Lay employees, volunteers like kaikkarans, accountants, sacristians, catechism teachers, parish council members, office bearers of pious associations, organizations, movements etc. whenever they act in the capacity of Vincentian personnel.

4.4 Service providers and outsiders find themselves within the jurisdictional area of the Vincentian Congregation at the time of the commission of the act coming under the purview of these norms.

PART II CONSTITUTION AND FUNCTION OF SAFE ENVIRONMENT COMMITTEE

Section I- Redressal Mechanisms

5. Structure of the Redressal Mechanism

Vincentian Congregation is committed to prevent/avoid any instance of harassment against children, vulnerable adults and women at the workplace of its institutions. But if any incident of such harassment happens, there is a clear procedure to respond effectively. The redressal mechanism has the following structure: Victim-Safe Environment Committee-safe environment Director- Provincial Superior-Superior General. The complaint will be registered to Safe Environment Committee in the institutions with ten or more employees. In the case of institutions with less than 10 employees, as well as complaint against institution's head like Manager, H.M., Director, Principal etc., complaint should be given to the Generalate/Provincial safe environment committee.

5.1 Functions of the Superior General/Provincial Superior

5.1.1. The Superior General has two functions: To establish a system that ensures a safe environment in the institutions which are directly under the generalate and to function as the appellate authority when cases are forwarded from the provinces.

5.1.2 The Superior General shall appoint a Safe Environment Director and a Safe Environment Committee to take decisions on any harassment complaint from an institution which is directly under the Superior General. The provincial Superior shall appoint a Safe Environment Director and a Safe Environment Committee for the institutions under the province. The Superior General/provincial Superior shall appoint local Safe Environment Director for major institutions entrusted with the responsibility of constituting Safe Environment Committee for respective institutions.

5.1.3 The Superior General will deal with any appeal against the decisions of the Safe Environment Director for the institutions directly under the Superior General. The Provincial Superior shall deal with any appeal against the decisions of the Safe Environment Director of the province.

5.1.4 When the complaint/allegation is against a priest of the Vincentian Congregation and when the preliminary inquiry comes to the conclusion that the allegation of the commission of penetrative sexual assault, sexual abuse, sexual harassment or all other forms of abuse, exploitation and maltreatment of children and vulnerable adults and women is prima facie made out, the Provincial Superior shall submit the report with the recommendation for appropriate disciplinary actions. The Superior General shall take appropriate action according to the Canon Law of the Catholic Church and the Procedural Norms for dealing with cases involving sexual abuse of minors promulgated by the CBCI and/ or the Syro-Malabar Bishops' Synod.

5.1.5 Besides this, the Superior General/Provincial Superior shall do whatever the law of the land and the present policy prescribe.

5.1.6 When the Superior General is found guilty of any abuse or cover up, he shall submit himself to the enquiry procedures by the Canon Law and the directives of the Catholic Church. If the Provincial Superior is found guilty of any abuse or cover up, he shall submit himself to the enquiry as per the directives of the Superior General and the directives of the Catholic Church and the Canon Law.

5.2 Functions of the Safe Environment Director

5.2.1. The Safe Environment Director is competent to receive any complaint/allegation directly from the complainant. He shall forward the same for preliminary inquiry to the chairperson of the Inquiry Committee.

5.2.2. The Safe Environment Director shall take timely and appropriate decision based on the report of the Inquiry Committee. He shall submit periodic reports to the Superior

General/ Provincial Superior. In case of complaints or allegations of serious nature, after due verification, he may immediately report to the concerned major superior.

5.2.3. In case of serious sexual offence which calls for mandatory reporting or offence of criminal nature, the Safe Environment Director on ascertaining the occurrence of same shall be reported to the authority concerned.

5.2.4. The Safe Environment Director has the duty to ensure that the Safe Environment Committee is formed and maintained in the Vincentian Institutions.

Section II - Constitution of the Safe Environment Committee

6. The Safe Environment Committee is established by the Superior General for the institutions directly functioning under the Superior General, by the Provincial Superior for the concerned province and by the Safe Environment Director of the large Vincentian Institutions in consultation with the Superior General/Provincial Superior of the Vincentian Congregation.

The Committee shall consist of a minimum of five members, and be composed of priests, religious sisters, lay men and lay women. The Safe Environment Director will be part of the Safe Environment Committee.

6.1 The Chairperson may be female or male. She/he shall have adequate knowledge in legal matters and its procedures concerning sexual harassment of women, minors and vulnerable adults. She/he is appointed by the Safe Environment Director in consultation with the Superior General/ Provincial Superior for a period of three years, which can be renewed any number of times.

6.2 The Office Administrator, appointed by the Safe Environment Director in consultation with the Superior General/ Provincial Superior, shall be a person, male or female, who shall supervise and administer the day to day affairs of the office including maintenance of office files, records, namely, attendance register, case diary, case files, other document register, complaint register and similar documents.

6.3 Among the other members, there could be:

6.3.1 A counsellor/psychologist/ social worker.

6.3.2 A person of good reputation, having knowledge in the civil law and/or previous experience in investigation and enquiry of cases.

6.3.3 A person having knowledge in canon law, preferably a priest.

6.4 Depending on the necessity of each case, the Director may co-opt members and experts on an ad hoc basis.

6.5 The appointment of the members may be made for a period of three years which can be renewed any number of times.

6.6 The members can be removed for valid reasons by the appointing authority, after, having given her/him a chance to explain herself/himself. It is highly recommended that she/he is not removed while the enquiry of a case is in progress.

Section III - Disqualification of the Committee Members

7. No person shall be appointed or continue to be a member of the Committee, if he/she is:

7.1 Declared insolvent by civil courts

7.2 A person of unsound mind

7.3 Convicted for an offence involving moral turpitude

7.4 Involved in a misconduct amounting to immoral trafficking

7.5 Convicted and punished in any criminal offence/s

7.6 Facing any inquiry/penal trial relating to sexual harassment or found guilty of sexual harassment; punished for any misbehaviour or misconduct

7.7 Standing against the faith, teaching and morality of the Catholic Church or found a willful defaulter of the Church laws

Section IV- Powers and Duties of the Committee

8. The Safe Environment Committee will deal with any sort of harassment case and the infringement of the Safe Environment Policy promulgated by the CBCI and/ or the Syro-Malabar Bishops' Synod.

9. The Committee is invested with the following duties:

9.1 Ensure a safe and secure environment for minors and vulnerable adults

within the Houses and Institutions of Vincentian Congregation. The Committee shall:

9.1.1 Provide periodical safe environment training to the Church personnel in Vincentian Congregation. Orientation seminars will be organized for the faithful to discuss the nature and extent of the sexual harassment of women at workplace, the protection of children and vulnerable adults from sexual offences, gender policy and Juvenile Justice Act and all related ecclesiastical and civil laws.

9.1.2 Publish the Safe Environment Policy in the regional languages widely in any accepted mode.

9.1.3 Publish the names and phone numbers of Members of the Committee.

9.2 Issue certificates to the Church personnel who participate in the periodical training programmes and seminars and any other events organized by the Committee.

9.3 Help the victim with necessary aids to report the cases of sexual assault or harassment to the Committee itself as well as to the civil authorities.

9.4 Address the spiritual, physical and emotional state of the victim, his/her family and the affected community.

9.5 Address the possibility of false accusations against the clergy, employees and volunteers.

9.6 Provide a safe, accessible and sensitive mechanism for registering complaints.

9.7 Take cognizance of complaints about sexual harassment, conduct inquiries, and provide assistance and redressal to the victims and recommend appropriate action against the harasser.

9.8 After the inquiry, recommend disciplinary action to the authorities concerned.

9.9 Recommend the intervention of the authority of Vincentian Congregation to provide legal assistance to the complainant if he/she chooses to file a complaint in relation to the offence under the Indian Penal Code or any other law in force at the time.

9.10 Recommend the intervention of the authority of Vincentian Congregation to provide medical assistance to the victim with the consent of the complainant or even without consent in such cases where the complainant is physically or mentally incapacitated to give his/her consent.

9.11 Inform the concerned authority to arrange for appropriate psychological, emotional and physical support (in the form of counselling, security and other assistance) to the victim whenever the Committee finds it necessary.

Section V - Meetings of the Committee

10. The members of the Committee shall meet at least once in three months.

10.1 The chairperson shall convene a meeting at the request of the majority of the total members of the Committee, on a date not later than fifteen days from the receipt of such a request. The Safe Environment Committee Director also will attend in the regular meetings of the committee.

10.2 The quorum for the meeting of the Committee shall be five. If the quorum is not complete in the scheduled time, it shall be adjourned for half an hour and thereafter the requirement of quorum ceases and the meeting shall proceed with at least three of its members.

10.3 All decisions in the meeting will be taken through consensus of the members of the Committee present in the meeting. In case of any disagreement among the members regarding any decision, it will be decided by the majority of votes.

10.4 Agenda, discussions and the decisions shall be recorded in writing and undersigned by all the members present in the meeting.

PART III PROCEDURAL NORMS

Section I - Procedure for Filing a Complaint

11. Any Complainant shall have the right to file a complaint concerning any harassment against Vincentian personnel. All complaints shall be addressed to the chairperson of the Safe Environment Committee. The complaints from the small Vincentian Institutions shall be addressed to the provincial Safe Environment Director.

11.1 The complaint should be filed within a period of 3 months from the date of incident. In case of a series of incidents, the complainant should file a case within a period of 3 months from the date of the last incident. The Committee may extend the time limit, not exceeding six months, if the Committee is satisfied by the reasons given by the complainant to make a written complaint.

11.2 In the case of sexual abuse of minors by clerics, prescription period is twenty years, which begins to run from the day on which a minor completes his eighteenth year of age (Substantive Norms Art. 7 §§1, 2¹)

11.3 Where the aggrieved person is unable to file a complaint on account of his/her physical or mental incapacity or death or otherwise, his/her legal heir or guardian or any other person as prescribed by law may make a complaint under this section.

11.4 All complaints shall be in writing. The complainant can avail the assistance of the Safe Environment Committee Chairperson or any of its members to prepare the complaint in writing.

11.5 If possible, the complaint should be dated and signed in front of the Chairperson by the complainant. When the complaint is prepared with the assistance of the Committee, the complaint prepared shall be read out to the complainant and will receive his/her signature.

11.6 The identity of the complainant/informant shall be kept confidential as much as the law demands.

Section II - Preliminary Investigation

12. Within a period of 7 (seven) working days from the date of reception of the complaint, the Chairperson shall convene a meeting of the Committee to deal with the complaint and make a preliminary inquiry or fact-finding inquiry to verify the facts of the complaint. An Inquiry Committee shall be constituted as per the norms of Sexual

¹ Norms on *Delicta Graviora* approved by the Holy Father Benedict XVI on 21 May 2010

Harassment of Women at Workplace Act 2013, Art. 10-11², if the complaint is found genuine.

12.1 The Inquiry Committee has the option to settle the matter between the complainant and the respondent through reconciliation at any stage of the inquiry. For this, the wishes of the complainant shall be ascertained. If the complainant wishes that a warning would suffice, then the alleged offender shall be called to the meeting of the Committee, and shall be heard, and if a warning is just and proper, he/she may be warned about his/her behavior. The matter shall be treated as concluded and disposed of with a note to that effect made in the complaint register signed by both the parties.

12.2 When a settlement has been arrived through reconciliation, in cases permitted by the law, the Chairperson shall record the settlement so arrived and forward the same to the Superior General/Provincial of Vincentian Congregation through the Safe Environment Director.

12.3 The Chairperson shall provide the copies of the settlement as recorded to the complainant and the respondent.

12.4 When a settlement is reached through reconciliation, no further inquiry shall be conducted by the Safe Environment Committee.

12.5 Reconciliation shall not be made on the basis of monetary settlement.

12.6 Where the aggrieved person informs the Committee that the terms of settlement arrived under 12.2 have not been complied with by the respondent, the Committee makes an inquiry and continue with further proceedings mentioned in the Act.

12.7 If the case falls under POCSO (Protection of Children from the Sexual Offence Act 2012³), the Committee shall direct the concerned persons to report the matter to the Police as per the norms. At the same time, the Committee shall report the case of sexual abuse by clerics and religious to the competent hierarchy/major superior who will report the matter to the Congregation for the Doctrine of Faith.

Section III - Constitution of the Inquiry Committee

13. The Inquiry Committee will be a part of Safe Environment Committee with the following criteria:

² This Act is a legislation enacted by the Government of India in 2013 to address the issue of sexual harassment faced by women in the workplace.

³ An Act to protect children from offences of sexual assault, sexual harassment and pornography and provide for establishment of Special Courts for trial of such offences and for matters connected therewith or incidental thereto.

13.1 The Safe Environment Director in consultation with the members of the Safe Environment Committee shall constitute an Inquiry Committee. When complaints arise from the small Vincentian Institutions Safe Environment Director in consultation with the Superior General/Provincial Superior shall constitute the Inquiry Committee.

13.2 The Director shall constitute the Inquiry Committee with a chairperson through a formal act and in writing.

13.3 The Inquiry Committee shall consist of minimum of five members. In case a woman is the victim, the chairperson and the majority of the members of the Committee shall be women. In case a man is the victim, the chairperson and the majority of the members shall be men.

14. The Inquiry Committee enjoys statutory power as per the norms of Sexual Harassment of Women at Workplace Act 2013 Art.11 (3).

14.1 Summoning and enforcing the attendance of any person (complainant/respondent/witness) and examining him/her on oath and recording the statements;

14.2 Requiring the findings and presenting (discovery and production) of valid documents;

14.3 Any other matter which may be prescribed.

Section IV - The Inquiry Process

15. In case the complainant requests that the complaint should not be concluded with a warning but should be processed, the same may be processed and has to be solved within a stipulated time of 90 working days, starting from the receipt of such a request, if the date is different from the receipt of the complaint.

15.1 Within seven days from the starting of the inquiry process, the Inquiry Committee shall summon the respondent and read out the content of the complaint to him/her. The respondent has no right to record, copy or get a copy of the complaint. The reply of the respondent shall be recorded by the Committee and he/she shall be allowed fifteen days for further defense or clarifications. The replies may also include a list of questions that the party demands the Inquiry Committee to ask the other party or its witnesses. In case the complainant has any additions to make to the complaint filed earlier, he/she can submit a statement to that effect in fifteen days.

15.2 Within seven working days of the receipt of the replies and defense and the list of questions, the Inquiry Committee shall start the process of an oral hearing.

15.3 In the course of the oral hearing, the complainant, the respondent, and their witnesses will be heard individually and privately.

15.4 All parties can also submit documentary evidence, if any, at the time of the oral hearing.

15.5 The Inquiry Committee shall have the power to ask any questions that it deems fit to all parties during the oral hearing.

15.6 The Inquiry Committee may ask also questions which have been submitted by the complainant and respondent for the other parties. However, the Inquiry Committee has the right to reject any question that it has reasons to believe to be irrelevant, mischievous or gender sensitive.

15.7 The Inquiry Committee may also call upon additional witnesses and ask them any question that it may deem fit.

15.8 The Inquiry Committee may request the concerned authorities for any document pertaining to the complaint, if that is within the limits of law.

15.9 The Inquiry Committee shall conduct the proceedings in a fair manner and may provide opportunity to the complainant and the respondent for presenting and defending his/her case.

15.10 The Inquiry Committee may consider as relevant any earlier complaint against the respondent. However, at no time in the inquiry process shall the past history of sexual conduct of the complainant be probed into, as such information shall be deemed irrelevant to a complaint of sexual harassment.

15.11 If the respondent fails, without valid grounds, to appear for three consecutive hearings convened by the Chairperson, the Inquiry Committee may proceed with the complaint based on available evidence.

15.12 Both parties have the right to get the assistance of legal practitioners but they shall not take part in the inquiry process.

Section V - Complaint Withdrawal

16. The complainant may withdraw his/her complaint in writing at any time during the inquiry process. However, the Committee must ascertain the reasons for the withdrawal of the complaint and record the same in writing and get it counter-signed by the complainant.

16.1 The inquiry procedure shall, on such withdrawals, be terminated. However, the Committee may proceed if the Committee is informed or has any reason to believe that such withdrawal is the consequence or effect of coercion or intimidation or influence by any other means exerted by the respondent or any person on behalf of the respondent.

Section VI - Disciplinary Actions

17. At the conclusion of the inquiry process, the Committee may recommend disciplinary action in its report to the Superior General/Provincial Superior. Recommendation of disciplinary action by the Committee could depend on factors such as the nature and extent of injury caused to the complainant, the impact of the violation on the institution as a whole, the position of the harasser in the hierarchy, the repetition of offences and similar factors. The Committee may recommend disciplinary action in the form of warning, written apology, bond of good behavior and other relevant mechanisms as prescribed either in the Church laws or in the civil laws.

Section VII – Redressal

18. The Director shall submit a report along with recommended disciplinary actions to the Superior General/Provincial within 7 working days from the date of definitive conclusion of the case and it shall be intimated to both the parties through a letter.

18.1 The Superior General/Provincial upon the receipt of the inquiry report may implement the disciplinary action on the basis of the recommendations of the Committee within 30 days.

18.2 The disciplinary action may be proportionate to the nature of the violation.

18.3 In case the complaint is not proved, the Committee shall recommend that no action is required to be taken in the matter.

18.4 Mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant.

18.5 In cases where the Committee arrives at the conclusion that the allegation by the complainant is malicious or fabricated with the full knowledge of the complainant or where the complainant has produced any forged or misleading document, the Committee may recommend appropriate action against such complainant.

18.6 If the Committee arrives at a conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend punitive action against the said witness.

18.7 Non-adversarial modes of redressal and resolution could also be considered in appropriate cases. Examples of this may be verbal warning, verbal apology, promise of good behavior and similar actions.

18.8 The Committee, in exceptional cases, may ask the Superior General/Provincial to allow the complainant to proceed on leave for a period of up to three months (the leave will not be deducted from his/her leave account). In case of extremely grave complaints the Committee may propose to the Superior General/Provincial an administrative leave to the respondent.

18.9 The Committee may propose other reliefs also to the complainant as may be prescribed.

Section VIII – Appeal

19. The aggrieved party has the right to appeal against the recommendations made by the Inquiry Committee. The aggrieved party may appeal to the Appellate Safe Environment Committee of the Vincentian Congregation within 10 working days from the date of its receipt. The decision of the Superior General shall be final and binding on both the parties.

Section IX – Evaluation and Monitoring

20. The Superior General and Provincial Superiors will be committed to the ongoing monitoring and evaluation of the procedures and behaviour protocols for the protection of the children and vulnerable adults.

21. Every three years the policy will be reviewed by a committee appointed by the Superior General to enforce and review its safeguarding policy.

Sources

These norms and procedures are based on the following legislative documents of the Catholic Church and the Government of India:

1. *Motu Proprio, Sacramentorum Sanctitatis Tutela* with its latest updates in December 2019.
2. Apostolic Letter, *As a Loving Mother*, 2016.
3. *Motu Proprio, Vos estis Lux Mundi*, 2019.
4. *Procedural Norms for Dealing with Cases Involving Sexual Abuse of Minors* (Catholic Bishops Conference of India, 2015).
5. *Gender Policy* (Kerala Catholic Bishops' Council, 2009).
6. *Guidelines to Deal with Sexual Harassment at Workplace* (CBCI, 2017).
7. *Guidelines to Deal with Sexual Harassment at Workplace* (KCBC, 2017).
8. *Guidelines for Safe Environment Programme* (KCBC, 2019).
9. *Protection of Children from the Sexual Offence Act*, 2012.

10. *Sexual Harassment of Women at Workplace Act, 2013.*
11. *Juvenile Justice Act, 2010.*

Appendix 1

Responsibilities of the Vincentian Institutions

1. Vincentian Institutions should create an awareness of a harmonious working environment totally free from any kind of harassment and abuse of authority. Those who are working in the institutions must be role models and keeping highest exemplary conduct.
2. The persons who are appointed as the staff of the institutions must be eligible, persons of good character, morally upright and free of any kind of criminal background.
3. The personals in the Vincentian Institutions should be trained, supervised and equipped at their work place which should promote genuine and mature human behaviour.
4. Ensure that staff members supervising others do not engage in harassment at work place.
5. At the time of appointment all staff and volunteers should sign a policy statement with regard to their behaviour at the work place. They should respect and abide by the law of the institution and understand that they will invite disciplinary and penal action in case their behaviour is contrary to the policy. In their dress, language, behaviour, etc., they should be modest and help each other to have a cordial and loving relationship at their work place.
6. All the institutions should take care that the individuals demonstrate the maturity and competence expected from them regarding their respective professions. They should follow the policy of the institution and they should know that any deviation will not be tolerated.
7. The members of the institutions should be informed the zero tolerance policy on sexual harassment at our institutions and abuse of authority to all the members of the institutions and make sure that they are given training on gender sensitivity and prevention of sexual harassment.
8. Display obviously the details of the grievance redressing authority that should be approached by a victim in the event of sexual harassment and the penal consequences of sexual harassment.
9. Ensure that incidents of harassment at workplace or abuse of authority are promptly addressed. In such cases, all those who are in charge of the institution must demonstrate fairness, impartiality and avoid any form of intimidation or favouritism.
10. Ensure that all discussion, communication and activities are handled with extreme sensitivity and utmost confidentiality.
11. Ensure that no employee is retaliated against.

12. Ensure compliance with the provisions of this 'Norms' including appointment of the Safe Environment Committee, preferably within a period of sixty days from the date of publication of this Norms.
13. Provide necessary facilities to the Safe Environment Committee for dealing with the complaint and conducting an inquiry.
14. Assist in securing the attendance of Respondent and Witnesses for SEC.
15. Make available such information to SEC as it may require having regard to the complaint made.
16. Monitor the timely submission of annual reports by SEC.
17. Organize workshops and awareness programs at regular intervals for sensitizing the employees with the provisions of this 'Norms' and the (present) civil law in force.

Appendix 2

Code of Protective Behaviour

As a staff member working in Vincentian institution which is committed to the protection of children from all forms of abuse, I agree to abide by the following rules and regulations drawn up by the institution in this regard. Accordingly I state that,

I shall always Ensure that:

1. I am open and not secretive about my activities associated with my service in the institution.
2. I will interact with every child/young person in a manner which demonstrates respect, dignity, integrity, empathy, understanding and patience.
3. I will always adopt socially appropriate adult behaviour towards children and young persons, which reflect the capacity to listen, understand and be respectful towards others.
4. There will be other professional adults to supervise me, whenever there is a sleep over or a stay in a hotel/hostel during excursions or educational travels.
5. The doors of the room that I am using are always open or visual access is always maintained, when I am alone with a child or young person.
6. While being available to children in discharging my duty in the institution, I will maintain the professional boundaries of relationship with them.
7. Any physical touch will be in response to the need of a child and never of an inappropriate kind whatever be the apparent need.
8. I will respect any resistance to involvement from a child or young person, in any activity that is not part of the legitimate service of the institution.
9. My relationship with children will be prudently governed respecting the age and developmental stage of a child or young person.
10. I will never touch a child's or young person's buttocks, genitals or breasts, unless I am a certified medical practitioner and only for performing a legitimate and necessary medical action.

11. I will respond to teach child or young person as a unique creation of God, who has the right to determine his/her own future.
12. I will seek to establish a caring, protective and respectful relationship with each child or young person.
13. I will be alert about the vulnerability of certain groups of children and young persons.
14. I will give priority to extend care, safety and protection to every child or young person, through proper supervision while on duty or when necessary.
15. I will physically restrain a child or young person only when there exists a danger to the individual or to other individuals in the area.
16. I will announce myself if legitimate business of the institution, requires me to enter any area of privacy for children or young persons, before entering.
17. I will maintain conditional confidentiality about information known to me about a child or young person.
18. I will interact with a child or young person, professionally in my official capacity, on the internet and social networking sites or while phoning or texting.
19. I will comply with the principles and standards of Indian and international child protection policies, labour laws and conventions.
20. I will be vigilant and attentive to any harm toward children and young people and shall immediately report any concern I have of the same to the child Protection Officer, of my institution.
21. However, sometimes when it may be necessary to conduct physical checks of the students in the institution for cell phones and other contraband material, I will do it only when asked for or with permission and following all norms of touching (avoiding those areas of body restricted to touch).
22. I will comply with all the procedures of the “CBCI Child Protection Policy and Procedures” implemented in the institution.
23. I will refer all media queries to the spokesperson designated for the task, and give no other comments.
24. I will speak up on any genuine case of abusive behaviour to proper persons concerned viz. to the Head of the Institution/ the Safe Environment Director of the Institution no matter what, but without gossip mongering.
25. I will comply with the dress code prescribed in the institution while on duty and if there is no specified dress code, I will always come modestly and neatly dressed.

I Shall Always Avoid:

1. Engaging in behaviour that is intended to shame, humiliate, belittle or degrade especially children and young persons and the Institution.
2. Using inappropriate, offensive, discriminatory, vulgar or abusive language when speaking especially with children or young people.
3. Swearing in the presence of children or young persons to prove my point of view.

4. Doing things of a personal nature that a child or young person can do by himself/herself, such as assistance at the toilet or changing clothes.
5. Entering any area of privacy for children or young people, unless legitimate business of the institution or any accident requires me to.
6. Taking children or young people that I am professionally engaged with, to my own home/hotel, or sleeping in the same room or bed with any of them.
7. Slapping, hitting or physically assaulting a child or young person.
8. Having recourse to or using disciplinary means, which are physically or emotionally derogatory to a child or young person.
9. Engaging in any sexual conversation or discussing sexual activities, unless part of a legitimate lesson and discussion approved for teaching sexuality or biology related issues.
10. Indulging in any manner of activities that are, or could be interpreted to be, aimed at any type of sexual relationship with a child or young person.
11. Developing a sexual relationship or one that may deem exploitative or abusive in nature with children or young people.
12. Indulging in behaviour with children or a young person that leads to close physical contact, unless it is an unavoidable part of a structured sports activity or outdoor games.
13. Performing medical/physical examinations of children or young person, unless it is my legitimate professional duty or a medical emergency.
14. Showing sexually oriented or inappropriate printed or digitalized material, such as magazines, videos, films, MMS etc. to children or young people or have them on the premises of the Institution or in my possession when involved in an activity in the institution or outside of it.
15. Behaving provocatively or inappropriately with a child or young person.
16. Exposing areas of my body considered private, in an inappropriate manner in the presence of children or young people.
17. Condoning or participating in behaviour of children or young person that is illegal, unsafe or abusive.
18. Acting in a manner that shows unfair and differential treatment of particular children or young persons.
19. Taking photograph or video recording of children or young persons, without their consent and that of their parents or guardians.
20. Holding, kissing, cuddling or touching a child or young person in an inappropriate, unnecessary or culturally insensitive way.
21. Seeking to make contact and spend private time with any child or young person even for teaching/coaching etc. outside the legitimate time allotted for that purpose, except with express consent of the head of the institution and the parents.
22. Interacting with children or young persons I am professionally involved with, over the internet or on the social media on a regular basis.
23. Using any officially or individually owned computer, mobile phone, video or still camera inappropriately, or accessing of websites that are illegal or have inappropriate content for the purpose of exploiting or harassing children or young persons.

24. Hiring minors as domestic worker, cooperating with others to hire minors as domestic staff.
25. Transporting children or young persons, without the permission of their parent or legal guardian, except when directed by the head of the institution or his/her delegate in the event of an emergency or academic or sports related activity with proper accompanying documentation.
26. Using, possessing or being under the influence of illegal drugs or alcohol or tobacco products when in the presence of or while supervising children or young persons.
27. Supplying alcohol or illegal drugs or tobacco products to children or young persons.
28. Discriminating against a child or young person on the basis of their race, colour, gender, sexual orientation, language, status, ethnicity, nationality, cast, religion etc.
29. Receiving personal gifts/money/services from individuals partaking of the services of/for or connected with the institution, or as a condition for any service asked for because of any connection with the institution.
30. Using negative enforcement strategies with children or young people, such as physical punishment, derogatory or offensive comments, labelling, belittling, teasing, social exclusion, unequal competition or unequal comparisons or setting them up in situations to cause conflict among children.
31. Any act that can be construed to be a form of what is commonly referred to as 'ragging' or nagging behaviour towards children.
32. Neglecting to take action when a child or young person is in real need.
33. Letting false allegations made by a child or young person or about a child or young person, go unchallenged.
34. Being negligent by not speaking up for the rights of any person, especially children and youth who are being abused in any way.
35. Making any report that is aimed at 'getting even' or 'fixing' another individual and which can be termed as frivolous or vexatious in nature.

Name of the Teacher or Staff:

Signature:

Name of the Institution:

Date:

