

**NORMS FOR DEALING WITH CASES INVOLVING SEXUAL
HARASSMENT OR ABUSE BY RELIGIOUS
PERSONNEL/EMPLOYEES/VOLUNTEERS IN INSTITUTIONS OF
BROTHERS OF ST. GABRIEL, PROVINCE OF NORTH EAST INDIA
AND MONTFORT CENTRE FOR EDUCATION, TURA**

PREFACE

Dear Brothers, Teaching and Nonteaching staff and other Employees,
**RULES AND NORMS FOR DEALING WITH CASES INVOLVING SEXUAL
HARASSMENT OR ABUSE BY RELIGIOUS
PERSONNEL/EMPLOYEES/VOLUNTEERS IN INSTITUTIONS OF
BROTHERS OF ST. GABRIEL, PROVINCE OF NORTH EAST INDIA AND
MONTFORT CENTRE FOR EDUCATION, TURA,**

is to protect and safe guard the rights of all, especially women in all our Institutions and in any work place administered by the Province of North East India and Montfort Centre for Education, Tura. Its nothing but protection of human rights and human promotion. Its importance is all the more highlighted in today's society due to the diminishing / changing value system both in the family and society.

All the Religious Brothers/Sisters, teachers, nonteaching staff and all other employees are expected to follow the rules and norms laid down by the Society. These are mandatory for all the employees, Religious Brothers and sisters to follow. Also, need to follow the spirit of the norms and promote human dignity and values. The rules and norms are legal and mandatory on all the persons in various institutions of the Society to adhere and follow, in letter and spirit.

I wish to thank all the Brothers for preparing this document for the benefits of all the stake holders.

Bro. M.K.Devassy
Chairman

I. INTRODUCTION

1. The Brothers of St. Gabriel, Province of North East India and Montfort Centre for Education, Tura deeply cherishes the bond of sacred trust among its members, staff, students and other stakeholders. It acknowledges the inherent worth and dignity of every person as created in the image and likeness of God. Sexual abuse violates this sacredness of the human person and the trust persons place in the Institution/Congregation. It is contrary to God's intent and purpose and therefore a grievous sin.

2. *The Norms for Dealing with Cases Involving Sexual Abuse by Religious Personnel/Employees/Volunteers in Institutions/Works of the Brothers of St. Gabriel, Province of North East India and Montfort Centre for Education, Tura* is meant to protect personnel in their work situation.

3. Already in 2010, the Catholic Bishops Conference of India (CBCI) issued the Gender Policy of the Church of India (hereinafter referred to as the CBCI Gender Policy) which advocates zero tolerance to any act of violence not only against children, but also against women. The CBCI Gender Policy further states that the Church will “set up structures and evolve mechanisms for effectively combating violence and sexual harassment against women in families, workplaces and Church institutions” (GP, Part III, Section XI, 5(iii)). These Norms are adopted in this context as well as that of the Sexual Harassment of Women at Workplace Act, 2013.

4. We, the Brothers of St. Gabriel, Province of North East India and Montfort Centre for Education declare that we will:
 - a) show zero tolerance towards sexual harassment and abuse
 - b) take necessary action against the offenders

- c) constitute an appropriate mechanism with necessary infrastructure and time bound procedures to redress cases of sexual abuse
- d) do our best to safeguard the complainants from any retaliatory acts.
- e) respond with compassion and care to victims of sexual abuse
- f) take care to address the critical component of prevention
- g) ensure dissemination of these Norms to all in the Institutions/Works of the School.

II. GUIDING PRINCIPLES

1. These Norms are rooted in the following principles which also provide direction for their implementation:
 - a) Meaningful consent is not possible in unequal power relationships
 - i) In cases of sexual abuse as defined in these Norms, a central issue is that of 'consensuses' on the part of the adult victim. 'Consent' is not valid when there are undercurrents of coercion in a relationship such as employer/employee, counselor/client, student/teacher, Principal/staff and others. In all unequal power relationships, it is presumed that the consent on the part of the victim was not free.
 - ii) It is important to understand that the label of "consensual sex" serves too often to fix the responsibility of abuse on the victim rather than the perpetrator. This adds to the victim's guilt and trauma. Such labels also leave the door open for questions about the intentions of the accused which are irrelevant since it is the experience or perception of the victim that is crucial. To prevent this, the focus must always be on evaluating the impact on the victim, and questions about whether the behavior of the accused was intentionally offensive or not should not be admitted.

- b) Maintaining appropriate professional boundaries is always the responsibility of the personnel in authority.
 - i) The Professional Code of conduct is meant to ensure the same, not only for those specified in the Code, but for all.
- c) Patriarchal attitudes and values are the biggest challenges in the implementation of any law concerning women.
 - i) Combating the patriarchal attitudes of men and women and the personnel involved/responsible for implementation of these Norms is most crucial in the prevention of unwanted sexual behaviour. Dissemination of these Norms must therefore be accompanied by programmes to change discriminatory behaviour and attitudes towards women.

III THE CODE OF CONDUCT

1. All personnel in the Institutions/Works of the School shall sign an agreement to the effect that they are aware of these Norms and will adhere to the following Code of Conduct.
2. The personnel are required to treat with respect those to whom they minister or work with.
3. The personnel shall not engage in sexual harassment or abuse and are bound to report to the concerned authorities such harassment by other personnel.
4. The personnel must assume full responsibility for establishing and maintaining clear, appropriate boundaries in all professional, pastoral and work related relationships.
5. The personnel must not, for sexual gain or intimacy, exploit the trust placed in them by those whom they serve.
6. The personnel shall ensure that their work environment is professional and free from physical, psychological, written, or verbal intimidation or harassment.
7. The personnel should always meet with people in areas that are visible and accessible.

8. Teachers, Counselors, Directors of Institutions, Boarding Homes, Principals of educational institutions, Social Services, and Spiritual Directors will be governed by the professional code of ethics of their profession and civil laws where these exist.
9. The personnel should not undertake any service, work or pastoral ministry while they are under the influence of alcohol or of prescribed/non-prescribed drugs that hamper cognitive function.
10. The personnel who are committed to a celibate way of life are called to be an example of celibate chastity in all relationships at all times.
11. The personnel in pastoral and professional relationships should be aware of the dangers of dependency/transference and counter transference and seek advice or supervision when these concerns arise. They must encourage self-determination, independence and choice in those to whom they minister.
12. Counseling sessions should be conducted in appropriate settings, and at appropriate times. No sessions shall be conducted in private living quarters or in places or at times that could cause confusion about the nature of the relationship for the person being counseled. Counselors and others in similar professions should maintain a log of the times and places of counseling sessions.

IV. REDRESS MECHANISM

1. This section deals with the setting up of a mechanism which receives complaints, investigates them, gives a hearing to the parties concerned and authorizes disciplinary action proportionate to the seriousness of the offence committed. These Norms mandate

the setting up of Redress Committees with the aforementioned mandate, in all institutions/works of the School.

2. Composition of Redress Committee

- a) The Redress Committee shall have at least five members, not less than 50% of whom should be women, with a woman Chairperson, and at least one woman member from an NGO active on issues under consideration. The desired qualities of the members would be an empathetic attitude and the ability and the orientation to look at issues from the perspective of the victim.
- b) The Chairperson convenes and chairs the Hearings of the Committee. The Assistant Chairperson would fill-in for the Chairperson in her absence. The Redress Advisor, who could be the Chairperson or any other woman¹ in the Committee, is the one-point contact for all complaints, and sending out communications in relation to the hearings. The Secretary minutes the proceedings of every meeting. In selecting the members of the Committee, Provincial Superior who is the Chairman of the Society will give due importance to the credentials and expertise that the persons possess with a view to ensuring justice.
- c) The Redress Committee must be formed irrespective of whether any complaint has been received. The tenure of the members of the redress Committee may be decided by the Provincial Superior, but should be not less than three years.

3. Investigative Procedures

- a) The first requirement is to create awareness in the Church and the Province about policy of zero tolerance towards sexual abuse. The Norms along with the name and contact details of the person

¹ It is advisable to have a woman as an advisor since most complaints are from women and they would hesitate to confide in a man.

- receiving complaints should be given adequate publicity through posters displayed in prominent places such as notice boards, etc. This gives a strong message to victims, particularly women that their complaints will be taken seriously. Knowing where to go and whom to complain to, will also minimize delayed justice, confusion and negative publicity.
- b) The Religious Brothers, employees and persons holding functional roles in institutions/works of the School have a duty to report to the Redress Committee any sexual misconduct that is observed by them.
 - c) The Redress Advisor will receive all the complaints and advise the complainant on the procedure for filing the complaint and subsequent redress. All complaints handled by the Redress Committee should be in writing to ensure consistency and accuracy in the complaint being lodged.
 - d) It is important that all complaints are treated with the highest level of confidentiality. However, information may have to be disclosed to those officials in order to carry out the purpose and intent of these Norms.
 - e) When a complaint is received, the Redress Advisor will forward the same to the Chairperson who will convene a meeting of the Redress Committee within a week of receiving the complaint.
 - h) At the meeting the Chairperson will nominate one or more persons from the committee to carry out a confidential investigation to ascertain facts. The report of the investigation should be submitted to the Redress Committee a week before the committee convenes for a hearing. The seriousness of the complaint as decided by the committee will dictate the subsequent course of action.
 - i) The Chairperson will issue a written notification to the complainant and the accused to present themselves separately before the Committee for a hearing on a specified date and time within two weeks of receiving the investigative report. A copy of the statement of the complainant should be given to the accused

- who will be allowed a week to seek advice before appearing before the Committee.
- j) If acceptable to the complainant, a joint hearing with the accused may be held. The complainant and the accused will be allowed to bring to the hearing, one person for support who will not be permitted to interfere directly with the proceedings except to advise each party privately.
 - k) Additional hearings may be held with witnesses or others who may be able to assist the enquiry.
 - l) The decisions taken by Committee are to have the backing of at least 50% of members.
 - m) The Minutes of the proceedings will be recorded by the Secretary of the Redress Committee.
 - n) The conclusions of the Committee will be communicated to both parties in writing within a fortnight following the hearing.
 - o) The Committee will also recommend action to be carried out by the concerned authority.
 - p) The whole process of reaching a decision and communicating action to be taken should generally take not more than three months since the day of receiving the complaint.
 - q) The action to be taken with regards to the accused must reflect the recommendations given by the Redress Committee. Action must be taken within one month of receiving the recommendations of the Redress Committee, and action taken must be communicated in writing to the Redress Committee.
 - r) At the conclusion of the redress process a copy of the documentation (the log of complaints and the action taken to redress the complaints) must be kept in the School/Province archives.
 - s) In the event that the conclusions of the Provincial/Congregational level Redress Committee are unsatisfactory to either Party, an appeal in writing should be forwarded to the next level of authority.

- t) The Committee must ensure that the offender is reinstated as a member/employee only after obtaining written certification to do so by medical/psychological professional.

4. Redress Procedures

- a) During the course of the investigation, if the Redress Committee should deem fit, the accused may be sent on administrative leave to ensure that further harassment does not occur.
- b) *When an accusation is substantiated:*
- i) When an accusation of sexual abuse of a person is proved before the Redress Committee, the concerned person will be immediately relieved of the exercise of any function, responsibility and/or employment. Further action will be determined by the gravity of the offence.
 - ii) Substantiation is determined by following proper enquiry and due process of law.
 - iii) If the problem should entail the transfer of one of the people involved, it needs to be ensured that the harasser rather than the victim is required to move.
- c) *When an accusation cannot be substantiated:*
- i) When an accusation cannot be substantiated, the accuser and the accused need to be immediately informed of the results of the investigation and offered pastoral assistance/counseling as necessary. The School/Congregation shall decide on whether any restrictions of service/employment are called for.
 - ii) Nothing in these Norms is intended to prevent or relieve any personnel/employee, from reporting any allegation of sexual abuse to the proper civil authorities as mandated by law. No attempts must be made to shield the perpetrators of sexual misconduct nor should the victims be in any way dissuaded from approaching civil authorities. The Principal will cooperate fully with any investigation by civil authorities and

will also thoroughly investigate all allegations to ascertain the truth.

5. *Commitment from responsible authority*

a) Commitment to justice and pastoral care must be shown by the responsible authorities through proper enforcement and action. Even the most comprehensive sexual harassment policies and procedures are bound to fail if a Principal/School does not enforce them quickly, consistently, and with determination. To be effective, all in the Church must be committed to zero tolerance of sexual harassment. The Provincial Superior must make certain that persons responsible must conduct prompt, thorough, and documented investigations of all complaints, even those that appear trivial. Those in authority must act on the recommendations of the Redress Committee.

6. *Transfer Policies*

a) No Religious/employee who is proved to have committed act(s) of sexual abuse may be transferred for an assignment/employment to another Congregational Province.

b) Before a Religious is accepted for assignment or residence in any Province, the Provincial Superior or his delegate will obtain a written statement from the Religious Superior from whose jurisdiction the Religious is seeking transfer, regarding the existence of any proved instance of sexual misconduct. In a similar fashion, the Provincial Superior or his delegate shall provide a written statement indicating the above, to the Provincial Superior who is receiving a Religious from his Province.

7. *Binding Agreements*

a) A copy of the Norms shall be distributed to every Religious/member/employee/volunteer of the School/Centre. All

Religious personnel, employees or volunteers must sign an agreement to the effect that they are bound by the Norms.

- b) With regard to employees and those who offer volunteer service, as a condition of employment or volunteer service, they must sign a card at the back of a copy of the Norms indicating that they have read and understood the aforementioned Norms and that they agree to abide by the Code of Conduct contained therein. This card shall be maintained in the personal files of employees and in a general file for volunteers.

8. Communications Policies

- a) While the privacy and confidentiality of the victims and witnesses must be respected, appropriate people must be informed about erring personnel, to prevent a repeat sexual offence being committed on unsuspecting, trusting persons.

V. CARE AND HEALING FOR THOSE INVOLVED IN SEXUAL ABUSE

1. Sexual abuse when it involves particularly the Religious, has pastoral and spiritual dimensions. While the issue is one of personal integrity before God and the Church, integrity in consecrated life and relationships is demanded also for the good of the Church community. The Church is harmed and wounded when Religious Personnel, are abusive in their behaviour.
2. When sexual abuse involves Religious personnel, the following pastoral and spiritual concerns must be addressed:
3. *Care for the victims and their families:*
 - i) Pastoral care must encompass justice, compassion, protection and even restitution if necessary, for the victim. The Congregation must offer help to the victims and their families to gain back control of their lives, through medical care, counselling and therapy, and spiritual healing. Believing in their story is the best way to begin caring for them.
4. *Care of the hurting community* (whether a Province, a local community, institution or a congregation):

- a) The communities where the violations occurred are also wounded and need healing. For a community the pain lies in the violation of trust. Efforts must thus be made to restore the faith and confidence of the victim, as well as of the community. This must be done by:
- b) Informing the community of the facts thus setting aside any rumours or gossip that may surround the incident/s;
- c) communicating empathy with the victim and the hurting family;
- d) ensuring that justice is done to the victim;
- e) indicating zero tolerance for sexual misconduct.
- f) The process should involve providing avenues for people to voice hurts, to grieve, to understand, to heal, to forgive, and to move on in hope.

5. *Care for the offender*

- a) The offender is usually initially in denial and needs help, especially from experts, to understand and evaluate his situation. This is true of any offender. Subsequently he may feel lost, confused, and shamed.
- b) The best way to care for the offender is to make him face up to the misconduct with fairness, truthfulness and compassion. In the case of a Religious, he should be made to begin a process of reflection on whether this is an isolated case or a signal of the incapacity to continue as a celibate.
- c) He must be made aware of ecclesiastical and canonical processes governing his particular case. The superior must carefully observe the procedures especially when the grave matter could lead to dismissal from the Religious Life.
- d) The offender must be allowed to return to active ministry only if he has been certified in writing to do so, by a qualified counselor and his spiritual advisor.
- e) If the offender decides to be dispensed from Religious Life, then the diocese or the religious order must help him to start a new life.

6. *Care of the offender's family*

- a) The offender's family may also initially be in denial and later feel lost, shamed and confused. The family members may also feel anger at being betrayed by their child/sibling/parent/spouse, and may even blame themselves. Though seldom verbalized, they can be filled with guilt, causing them to withdraw from the community and suffer in silence.
- b) Counselling and therapy along with spiritual healing need to be offered to the offender's family by the Province.

ANNEXURE 1

STATEMENT OF AGREEMENT

I promise to strictly follow the **RULES AND NORMS FOR DEALING WITH CASES INVOLVING SEXUAL HARASSMENT OR ABUSE BY RELIGIOUS PERSONNEL/EMPLOYEES/VOLUNTEERS IN INSTITUTIONS OF BROTHERS OF ST. GABRIEL, PROVINCE OF NORTH EAST INDIA AND MONTFORT CENTRE FOR EDUCATION, TURA**, Code of Conduct as a condition of my providing services to the Institutions of the Province of North East India/Montfort Centre for Education of the Congregation of the Brothers of St. Gabriel.

I will:

- i. Treat everyone with respect.
- ii. Comply with the mandatory reporting regulations of the Province Policies and Procedures to report sexual abuse. I understand that failure to report suspected sexual abuse to the Province/Institution authorities is against the law.
- ii. Cooperate fully in any investigation of abuse of any person in the Institution/Work place.

I will not:

- a. Touch or speak to anyone in a sexually inappropriate manner.
- b. Inflict any physical or emotional abuse such as striking, slapping, humiliating, ridiculing, threatening, or degrading persons.
- c. Possess, or be under the influence of alcohol at any time while on duty.
- d. Possess, or be under the influence of illegal drugs while on duty and out side of duty hours.
- e. Use profanity at any time.
- f. Indulge in viewing pornography or use indecent humour.

My signature confirms that I have read the 'Norms For Dealing With Cases Involving Sexual Abuse' and the Code of Conduct contained therein and I agree to abide by them.

I understand that any action inconsistent with the above mentioned Norms and Code of Conduct or failure to take action mandated by them may result in the discontinuation of my services/employment in the Institution and legal procedures as per the laws of the State/Country.

Name:

Signature with date