



MILAGRES COLLEGE

Kallianpur – 576 114, Udupi District, Karnataka

(Re-Accredited by NAAC with 'B' Grade CGPA 2.72)

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Milagres College, Kallianpur, was established in the year 1967. It comes under Udupi Diocese. It is managed and governed by Catholic Education Society, Udupi (CESU).

As a policy we are adhering to the rules and the policies adopted by CESU and also the rules of Prevention of Sexual Harassment Cell.

Principal

Milagres College Kallianpur-576 114
Udupi Dt., Karnataka

Diocese of Udupi

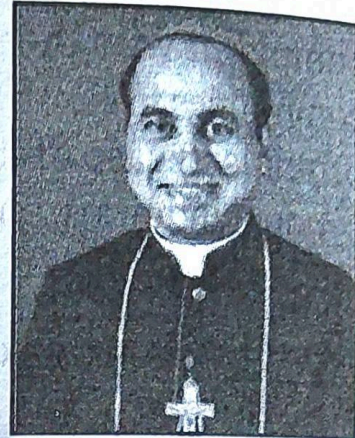
**GUIDELINES
TO DEAL WITH SEXUAL
HARASSMENT OF WOMEN
AT WORKPLACE**

Bishop's House

Udupi – 576 101

FOREWORD

“He created them male and female and blessed them, and named them ‘Mankind’ when they were created” (Genesis 5:2). The Holy Bible confirms that man and woman have been created in the image and likeness of God. This recognizes the special qualities of human nature which allow God to be made manifest in the humans.



Sexual Harassment has been an unwelcome behavior. Sexual harassment at workplace has been widespread in the world, be it in a developed or an underdeveloped nation. Atrocities against women are a universal problem. Women, being vulnerable, suffer from female feticide, human trafficking, stalking, sexual abuse, sexual harassment, rape, etc.

In 1997, the Supreme Court introduced the Vishaka Guidelines: “Gender equality includes protection from sexual harassment and right to work with dignity, which is a universally recognized basic human right.” However, the guidelines failed to explicitly address sexual harassment of women in the informal sector - a group who number 195 million. The 2013 *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act* widened the definition of the workplace and covered the informal sector, including domestic workers. Popularly known as the POSH Act, it provides protection to all workers in the public and private sectors.

The law defines sexual harassment as physical contact or advance, or a demand or request for sexual favors, or making sexually colored remarks, or showing pornography, or any

other unwelcome physical, verbal or non-verbal conduct of sexual nature. It provides an alternative to filing a criminal complaint with the police, mandating employers to set up committees in case of a private company, or local government officials in case of the informal sector, to hear complaints, conduct inquiries, and recommend action to be taken against the perpetrators.

Pope Francis has given a called upon to show “zero tolerance” towards sexual crimes in the Church: “All violence inflicted on women is a desecration of God. How often is a woman’s body sacrificed on the profane altar of advertising, profit, pornography, exploited as a surface to be used! The female body must be freed from consumerism, it must be respected and honored.”

The Catholic Bishops’ Conference of India (CBCI), in 2017, published ‘Guidelines to deal with Sexual Harassment at Workplace’ and has mandated that every diocese and province set up a Complaints’ Committee, and, in every institute or firm with more than 10 employees, to constitute an internal complaints’ committee. Responding positively to the law of the land and call of the Catholic Church, the Udupi diocese has come up with the document ‘**Guidelines to deal with Sexual Harassment of Women at Workplace 2021.**’

I earnestly urge all the Priests, Religious and Lay Faithful to implement these norms and policies in their respective fields of service. May our united effort in safeguarding the honor and respect of women at workplaces bring more confidence and trust among them.

+ 

+ **Gerald Lobo**
Bishop of Udupi

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DIOCESE OF UDUPI

GUIDELINES TO DEAL WITH SEXUAL HARASSMENT OF WOMEN AT WORKPLACE

1. INTRODUCTION:

The Diocese of Udupi, erected on 16 July 2012 by His Holiness Pope Benedict XVI and formally inaugurated on 15 October the same year, has completed eight years of its establishment and is marching forward in its efforts to translate the vision, mission and teaching of the Universal Church through the implementation of the revisited Pastoral Plan 2025 in all its parishes and institutions. In this endeavour, therefore, this local Church will have to rely on the cooperation, support and participation of the clergy, consecrated persons and lay faithful rendering service in the administration and management of the institutions owned by it and established for the smooth functioning of the same. While the services of the co-workers reflect the identity of the Church as People of God, acts of misbehaviour due to human frailty hurts the Church as a whole. Therefore, it is found necessary to formulate guidelines in order to prevent, and where needed, to redress acts of harassment, misconduct and misbehaviour at the workplace.

These guidelines are formulated on the basis of: (i) The Act No.14 of 23 April 2013, known as '*The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal Act, 2013*' of the

Government of India; (ii) The Apostolic Constitution: *Pascite Gregem Dei* (Tend the flock of God) of Pope Francis dated 23 May 2021 (iii) The 'Guidelines' promulgated by the Catholic Bishops' Conference of India on 14 September 2017, CBCI Centre, New Delhi.

Sexual Harassment is a violation of the right of women to equality under Article 14 and 15, Right to Life and Liberty under Article 21 and the Right to Work under Article 19(1)(g) of the Constitution of India. By enacting this law, the Government of India has fixed the responsibility on the employer to adopt a policy in line with the Act to resolve complaints of sexual harassment of women at workplace quickly and fairly.

Sexual harassment against any person below eighteen years of age shall be governed by the 'Norms and procedures' given on 24 June 2020 in the Episcopal letter '*Let the Children Come to Me*' (LCCM), as well as '*The Protection of Children from Sexual Offences Act (POCSO), 2012*'.

- (a) While the Diocese of Udupi deeply cherishes the bond of sacred trust among the People of God, she desires to underline the basic equality and dignity of every individual as stated in the biblical account of creation, i.e., every person is created in the image and likeness of God (Cf. Gen 1:26-27). Even though the society in which Jesus lived was male-dominated, the Gospels do not fail to mention the discipleship of women (Cf. Mt 27: 55-56; Mk 15: 14). St Paul emphasizes: "*In Christ Jesus you are all children of God through faith... There is no*

longer Jew or Greek, there is no longer slave or free" Gal 3: 26,28).

Sexual abuse, which includes sexual misconduct and sexual harassment, violates the sacredness of the human person. It destroys the trust reposed in persons of authority or influence. It acts as counter-witness to all that the Church stands for, namely, love of God and love of neighbour.

- (b) The Diocese of Udupi is aware of the increasing violence against women and girl-children in society and is concerned about such unfortunate occurrences. This local church has been spearheading several initiatives to bring about positive changes in the life-situation of women and girls through the Commission for the Family by conducting seminars, and even classes in the educational institutions run by it, by placing emphasis on the dignity of both girls and boys through its multiple interventions in the fields of welfare, education, health and empowerment of women. The Diocese acknowledges and considers violence against women and children as a special area of concern and advocates zero tolerance towards any act of violence towards them.

2. SCOPE

- (a) In our society, it is women who generally face sexual harassment at everyplace. The Church, while wanting to ensure the protection and respect for women at workplace, and without in any way underestimating the seriousness of sexual

harassment of women at workplace, wants to address all forms of sexual harassment at workplaces. In view of the statutory framework already available under the '*The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*', such instances which are covered by the Act will be dealt with in these 'Guidelines' as per the procedure prescribed under the Act. In respect of those which are not covered by the Act, the same will be dealt with as per the procedure under these 'Guidelines'.

- (b) Those which do not come under the purview of these 'Guidelines' and the CBCI Child Protection Policy (E.g., hostels, college-students including Nursing colleges, ITI, etc.) will be dealt with as per the procedure under the UGC (Prevention, Prohibition and Redressal of sexual harassment of women employees and students in higher educational institutions) Regulations, 2015.
- (c) Those which do not come under the purview of the Act, LCCM, POCSO, UGC (E.g., skill development training centres, centres for short term courses, etc.) will be referred to the Diocesan Redressal Committee (DRC).
- (d) Those consecrated men and women having their own communities, apostolate and institutions do not come under the purview of these 'Guidelines'; complaints made against them will have to be addressed by their respective superiors.

3. DEFINITIONS

- (a) 'Act' means the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.
- (b) 'Complainant' means a victim or, if the victim is unable to make a complaint due to mental or physical incapacity or death, any person who makes a complaint for the victim.
- (c) 'Employee' means a person employed in the Diocesan parishes and institutions for any work on permanent, deputation, temporary, consultation, part time, *ad hoc* or daily wage basis, either directly or through an agent, including a contractor, with or without the knowledge of the principal employer, whether for remuneration or not, whether the terms of employment are expressed or implied and includes a co-worker, a contract worker, a probationer, trainee, apprentice, volunteer or such others.
- (d) 'Diocesan Redressal Committee' (DRC) means the Redressal Committee to be constituted by the Diocese.
- (e) 'Internal Redressal Committee' (IRC) means the Redressal Committee to be set up by every institution under the Diocese which employs 10 or more employees.
- (f) 'Respondent' means an employee against whom the complainant has made the complaint.

(g) 'Sexual Harassment' means and includes any unwelcome sexual advance, request for sexual favours and other verbal or physical conduct of a sexual nature which makes a person feel offended, humiliated or intimidated. It includes unwelcome, severe and persistent sexual conduct which creates an uncomfortable and hostile environment. It can be done by remarks, gestures or behaviour. Remarks include allusions to sexual preferences, jokes, blackmail, threats, comments on appearances or body, intimate references, obscene language, sexual innuendoes, etc. Gestures and behaviour include caresses, fondling, indiscrete glances, kissing, obscene gestures, pinching, unsolicited advances, etc.

(h) A 'month' means thirty consecutive days, including holidays.

The following circumstances, among other circumstances, if they occur or are present in relation to or connected with any act or behaviour of sexual harassment, may also amount to sexual harassment:

- (a) Implied or explicit promise of preferential treatment in employment
- (b) Implied or explicit threat of detrimental treatment in employment
- (c) Implied or explicit threat about the present and future employment status
- (d) Interference with work or creating an intimidating or offensive or hostile work-environment

(e) Humiliating treatment likely to affect the health or safety

(f) 'Workplace' means:

- i) Any juridical entity like department, organization, undertaking, establishment, institution, office, branch or unit which is established, owned or controlled, wholly or partially financed by funds provided by the Diocese, parishes)
- ii) Any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such a journey.

4. RESPONSIBILITY OF THE INSTITUTIONS

- (a) Create a harmonious working environment free of intimidation, hostility, offence or any form of harassment and abuse of authority. In order to achieve such an environment, all those who are in-charge of the institution must act as role-models by upholding the highest standards of conduct.
- (b) Ensure only eligible, reputed and morally upright persons are recruited and appointed as the staff of the institutions who should be trained, supervised and supported at their workplace which should promote genuine and mature human behaviour.
- (c) Communicate the zero-tolerance policy on sexual harassment at workplace and abuse of authority to all the members of the institution and ensure that they are given training on gender sensitivity and prevention of sexual harassment.

- (d) The root causes arising from various factors of behaviour-patterns of all persons that provoke a person to see the other only as an object of sexual satisfaction are to be addressed, made aware of and eradicated through awareness programs/ training.
- (e) All the members of institution should be given proper knowledge and training with regard to the moral and social behaviour expected in an institution or workplace run by the Diocese and Parish. Those who exercise leadership roles should be trained to understand the implications of these 'Guidelines' and to have the skills to deal with adverse situations.
- (f) Display, at a conspicuous location in the workplace, the details of the grievance-redressing authority that can be approached by a victim in the event of sexual harassment and the penal consequences of sexual harassment.
- (g) Ensure that staff-members supervising others do not engage in harassment at workplace.
- (h) Take measures consistent with the Guidelines, should they witness any act of harassment at workplace.
- (i) 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.
- (j) Ensure that all discussion, communication and activities are handled with extreme sensitivity and utmost confidentiality.

- (k) Ensure that no employee is retaliated against.
- (l) Ensure compliance with the provisions of these 'Guidelines', including appointment of IRC, preferably within a period of sixty days from the date of publication of these 'Guidelines'.
- (m) Provide necessary facilities to the IRC for dealing with the complaint and conducting an inquiry.
- (n) Assist in securing the attendance of Respondent and Witnesses for ICC.
- (o) Make available such information to ICC as it may require with regard to the complaint made.
- (p) Monitor the timely submission of annual reports by ICC.
- (q) Organize workshops and awareness-programs at regular intervals for sensitizing the employees with the provisions of these 'Guidelines' and the present state-law in force.

5. PROFESSIONAL ETHOS

- (a) At the time of appointment, all staff should sign a policy statement with regard to their behaviour at the workplace. 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 workplace.

- (b) All the institutions should take care that the persons concerned demonstrate the maturity and competence expected of them regarding their respective professions. They should adhere to the policy of the institution and know that any deviation may invite disciplinary action.
- (c) Sexual abuses often occur in contexts in which the abuser is in a position of trust in relation to the person abused. In many cases, it is an abuse of authority, that is, the improper use of a position or influence or power by a member against another member or a group thereof that arbitrarily influences the career or employment conditions (like appointment, assignment, contract-renewal, performance evaluation or promotion) of another member based on or related to sexual favours. In general, it is presumed that there is no meaningful consent between a person in authority and the subordinate in this regard. Sexual abuse can also take place in the context of spiritual or psychological guidance or service. Hence, appropriate professional boundaries must always be maintained among members of all sections of ministry or service and in all places.
- (d) In order to achieve this, it is the duty of the establishment or management that employs people or invites volunteers to discharge professional services, to draw up clear-cut professional boundaries in their workplace:
 - (i) All persons must be treated with respect and dignity.

- (ii) Offices and service-areas must be accessible and visible.
 - (iii) No one should be under the influence of alcohol or of prescribed or non-prescribed drugs that hamper one's cognitive function at workplace.
 - (iv) When corrections or reprimands are to be given, they must be communicated in writing, or if verbally, in the presence of another colleague of the employee.
 - (v) Members of the institution should not entertain or be in the company of people of ill-repute.
 - (vi) Those who are in-charge of the institution must strictly maintain the working hours, and when overtime services are required, it should be with the knowledge of the people in higher authority and with a proper registry of the people involved, the nature of the work and the time of leaving the workplace.
 - (vii) Exercise of professions like that of doctors or care-givers where physical touches or contacts are required, the person concerned must seek the presence of another person of the same sex as the client is, while carrying out the official duty.
 - (viii) Must not lodge people of the other sex in living quarters meant for single living.
- 6. INTERNAL REDRESSAL COMMITTEE (IRC)**
- These 'Guidelines' obligate the Diocesan and parish institutions, which employ 10 or more employees to

constitute an Internal Committee (ICC). In the case of institutions with less than 10 employees as well as complaint against institution's head like Director, Administrator, Manager, etc., complaint should be given to the Diocesan RC which will carry out the functions of ICC.

A. Composition of Internal Redressal Committee

- (a) A Chairperson/Presiding Officer who shall be a woman employed at a senior position in the Institution. The Chairperson should be easily available to deal with the cases appropriately and quickly. Provided that when no woman employee at senior position is employed in the institution, then the services of a woman employee from another institution working under the Diocese may be requested.
- (b) In the case of a man as a victim, a man should be appointed as the Chairperson. In the case of a third gender, if a member of the same gender is not available, a woman shall be the Chairperson.
- (c) Not less than two members from among the employees, preferably committed to the cause of women, or who have had experience in social work and have legal knowledge.
- (d) One member from among the non-governmental organizations or associations familiar with the issues relating to sexual harassment. Provided that at least one-half of the total members of the committee shall be women. Provided further that, in case the victim

is an adult male employee, the above requirement shall be read as "at least one-half of the total members of the committee shall be men".

- (e) As far as practicable, senior employees of the Institution shall be appointed in the Internal Complaints Committee so as to ensure their independent functioning.
- (f) The members of the Internal Complaints Committee shall hold office for such a period, not exceeding three years, from the date of their nomination.
- (g) The composition of the Internal Complaints Committee shall always be subject to the amendments, if any, to the Act and the rules made thereof or any other law for the time-being in force.

B. Composition of DRC

- (a) The Diocese will appoint the Chairperson. The Chairperson should be a woman, who is well-versed in human rights and gender equality issues, with the knowledge of the due process of law and investigation, and with good reputation.
- (b) The DRC will consist of five members including Chairperson:
 - (i) One member from the Employee
 - (ii) One member from the Institutional level Executive Body
 - (iii) One member from an NGO
 - (iv) The Bishop shall nominate two members from

a panel of experts well-versed in human rights and gender equality issues

- (c) One of the members shall be selected as the Secretary
- (d) At least half of the members should be women.

C. Responsibilities of the IRC

- (a) To accept complaints
- (b) To investigate and conduct hearing of the parties concerned
- (c) To indicate whether the Respondent is guilty or not guilty
- (d) To suggest appropriate measures / punishment for the guilty and/or compensation to the victim as well as appropriate actions against the complainant where charges were made maliciously. In all these matters compliance to the Law prevailing in the country has to be ensured.
- (e) The IRC is required to complete the enquiry and give the report within a time period of three (03) months. On completion of the enquiry, the report shall be sent to the Diocesan RC with a copy to the Bishop and the DRC is mandated to take action on the report with the consent of the Bishop within sixty (60) days.
- (f) The Internal Committee shall submit an annual report outlining the number of cases filed, if any, and their disposal to the institution with a copy to the Bishop

and, also to the District Officer appointed under the Act in compliance with the requirements of Section 22 of the Act read with Rule 14 of '*The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013*'.

- (g) It is the responsibility of the Management to ensure that the complainant does not suffer from any retaliation.

D. Responsibilities of the DRC

- (a) It is the right and obligation of the DRC to coordinate and facilitate matters so as to have a humane, mature, conducive and loving atmosphere and healthy interpersonal relationship in all institutions.
- (b) Refresher-programmes are to be periodically organized for the heads of the institutions and members of IRC.
- (c) The recommendations of the IRC are to be verified and implemented (E.g., if somebody is to be suspended or dismissed, it cannot be done by the local heads alone; different offices will have to work together like the Bishop, Director, Administrator, Manager, etc.).
- (d) If the matter is grave and beyond the competence of IRC and is to be referred to the competent authority, the Diocesan RC takes the decision with the consent of the Bishop and advises the IRC with regard to the procedure, and monitors the same.
- (e) Handle the appeals from the individuals and IRC.

(In case not satisfied with the report of the IRC, the involved parties can appeal to the Diocesan RC).

- (f) The annual reports sent by the IRC are verified and, if needed, advise the Bishop regarding the same.

7. PROCEDURE FOR RESOLUTION, SETTLEMENT OR PROSECUTION

Every institution under the Diocese shall be bound to respond to every incident of sexual harassment regardless of its extent or magnitude, in a swift and time-bound manner. It shall be the duty of every institution to provide a supportive environment to resolve concerns of sexual harassment as under:

I. INFORMAL PROCESS

- (a) Whenever possible, all must try to resolve the issues in an informal and amicable manner. For this, everyone must try to create an atmosphere of respect and freedom so that all issues, complaints and grievances can be resolved in an open, loving, honest, non-threatening, and non-contentious manner.
- (b) Approach the Respondent: It can happen that an individual is not aware that the person's behaviour is sexually offensive. In such cases one of the members should inform the respondent that such conduct is unwelcome and request that it should cease.
- (c) Support by a Colleague: The complainant may request a colleague to be present at a meeting with

the respondent to let the person know that the person's conduct is unwelcome and request that such conduct ceases.

- (d) Mediation: Mediation is a process whereby a neutral third party, with no stake in the outcome, helps the parties whose lives are affected by a problem, make decisions themselves that are mutually acceptable and which may resolve the problem. Mediation can also help prevent a recurrence of situations that cause conflict.
- (e) When parties have arrived at a settlement, the IRC shall record the settlement and make recommendations for the institution to take action as specified.
- (f) When a settlement has been arrived at, no further enquiry shall be conducted by the IRC.
- (g) If the complainant is not satisfied with the results of the informal process and wishes to pursue the formal process immediately, the person may submit a written complaint to the IRC to begin the formal grievance redressal process.

II. FORMAL PROCESS

A. Filing of a Written Complaint Which Should State:

- (a) The date(s) and location of the alleged incident(s) or harassment/abuse at workplace.
- (b) The names of witnesses submitting any physical and/or documentary proof, which corroborate the

allegation (e.g., e-mails, text messages, photos, letters, etc.).

- (c) All complaints must be signed and dated. No anonymous or pseudonymous complaint of harassment at workplace shall be accepted. The complaint must be as detailed and documented as possible. The complainant must be aware that for due process all relevant information regarding the complaint will be shared with the respondent to allow the latter to provide countervailing arguments and evidence.
- (d) Where the victim is unable to make a complaint on account of physical or mental incapacity or death or otherwise, any other person related/known to/legally authorized by the victim may make a complaint.

B. Responsibility of the Complainant

- (a) The complainant submits a sexual harassment complaint in writing to the Internal Committee within three (03) months from the date of occurrence of the incident, and in case of a series of incidents, within a period of three (03) months from the date of the last incident. The IRC may, for reasons to be recorded in writing, extend the time limit beyond three (03) months, if it is satisfied that the circumstances were such that they prevented the complainant from filing a complaint within the said period.
- (b) The complaint must be made in good faith, which

means that the person reporting the allegations of harassment must believe that the way the person perceived the alleged harassment reflects reality. Intentionally making a false complaint, verbally or in writing, constitutes misconduct for which, depending on the contractual status of the person, appropriate punitive measures, may be imposed.

- (c) The complainant must be prepared to cooperate with the investigation and subsequent disciplinary proceedings, if any.
- (d) If the complainant resigns in the course of the investigation or of the disciplinary proceedings, the Chairperson of the IRC will determine, in consultation with the IRC members, whether or not such a resignation brings the case to an end.

III. INQUIRY

A. Rights of the complainant

- (a) An empathetic attitude from the Committee so that the grievance can be stated in a fearless environment.
- (b) Keeping the identity confidential throughout the process.
- (c) A copy of the statement along with all the evidence and a list of witnesses submitted by the respondent.
- (d) Right to appeal, if not satisfied with the recommendations/ findings of the IRC.
- (e) In case of fear of intimidation from the respondent, the grievance statement can be recorded in the absence of the respondent.

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- (a) The complainant submits a sexual harassment complaint in writing to the Internal Committee within three (03) months from the date of occurrence of the incident, and in case of a series of incidents, within a period of three (03) months from the date of the last incident. The IRC may, for reasons to be recorded in writing, extend the time limit beyond three (03) months, if it is satisfied that the circumstances were such that they prevented the complainant from filing a complaint within the said period.
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III. INQUIRY

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- (a) An empathetic attitude from the Committee so that the grievance can be stated in a fearless environment.
- (b) Keeping the identity confidential throughout the process.
- (c) A copy of the statement along with all the evidence and a list of witnesses submitted by the respondent.
- (d) Right to appeal, if not satisfied with the recommendations/ findings of the IRC.
- (e) In case of fear of intimidation from the respondent, the grievance statement can be recorded in the absence of the respondent.

B. Rights of the Respondent

- (a) A patient hearing to present the case in a non-biased manner.
- (b) A copy of the statement along with all the evidence and a list of witnesses submitted by the complainant.
- (c) Keeping the identity confidential throughout the process.
- (d) Right to appeal, if not satisfied with the recommendations/ findings of the Internal Complaints Committee.

C. Preliminary Assessment

- (a) During the preliminary assessment, the Chairperson shall interview the complainant in person or by phone in order to:
 - (i) Clarify the allegation(s)
 - (ii) Ensure that the complaint is about sexual harassment at work- place/ related events
 - (iii) Make sure that all available evidence is submitted, and
 - (iv) Consider the possibility of informal resolution.
- (b) During the preliminary assessment, the respondent to whom a copy of the complaint or information from the complainant will be sent, shall be given ten (10) working days to respond to the allegations and provide countervailing evidence. However, if such disclosure puts at risk the documentary evidence,

witnesses and potential victims, the respondent may be notified subsequently but not later than the person's interview as the object of the investigation.

- (c) On the basis of the results of the preliminary assessment, the Chairperson of IRC will evaluate whether there is *prima facie* evidence of harassment at workplace. If required, the Chairperson of IRC will extend the enquiry in order to ensure that all relevant evidence is obtained.
- (d) If the Chairperson of IRC finds that there are reasons to believe that the complaint is founded, the Chairperson will launch an investigation. The relevant parties will be notified accordingly. This notification will indicate the nature of the allegations, the steps that will be followed to have the complaint investigated.
- (e) Should the facts obtained as a result of the preliminary assessment indicate that no harassment at workplace has occurred, the Chairperson will recommend that the case be closed, and appropriate action be taken against the complainant.

D. Action Pending Inquiry

- (a) The IRC may, at the request of the victim or the complainant, as the case may be, recommend to the employer to:-
 - i. Transfer the complainant or the respondent to any other institution/department to minimize the risks involved in contact or interaction.

- ii. Grant leave to the victim with full protection of status and benefits for a period up to three (03) months.
- iii. Restrain the respondent from reporting on the work-performance or writing the confidential report of the victim or the complainant.
- iv. Ensure that the respondent is asked to keep a distance from the victim, and wherever necessary and practicable, the witnesses, and restrain the entry of the respondent to the institution, if there is a definite threat.

E. Investigation Proper

- (a) The IRC shall conduct the investigation in accordance with the principles of natural justice.
- (b) All the depositions by the respondent and the victim, and the testimonies of the witnesses must be put into writing by the Secretary and countersigned by the parties and the Chairperson.
- (c) As far as possible, cross-questioning of the respondent and the victim at the same time should be avoided.
- (d) All the proceedings of the investigation need not be opened to the public.
- (e) When necessary, the IRC will suggest to the Diocese the interim measures that may have to be taken, namely, separate the respondent and the complainant on a temporary basis. Taking into account the contractual status of the parties, this may include, but is not limited to, the identification

- of alternative duties or the consideration of special leave for either the respondent or the complainant.
- (f) The IRC shall have the right to decide ex-parte against the complainant or the respondent, if either of the parties does not appear before the ICC for three consecutive hearings. Provided such an ex-parte decision shall not be made without giving fifteen (15) days' notice to the party concerned.
- (g) The parties shall not be allowed to be represented by a lawyer in the hearing.
- (h) The required quorum for convening the hearing shall be three members, including the Chairperson/ Presiding Officer.
- (i) Until the process is completed, any disciplinary action or leave application should be sanctioned only with the consent of the Chairperson of IRC.

IV. REPORTING

- (a) When the IRC is satisfied that all the possible evidences are obtained and are verified, the Chairperson brings the investigation to a completion. If the IRC, by a majority vote, considers that the allegation(s) is (are) substantiated, a written confidential report will be submitted by the IRC to the DRC with a copy to the Bishop within a period of ten (10) days from the date of completion of the inquiry. If IRC considers that the allegation(s) is (are) not substantiated, it will prepare an internal closure note reflecting its decision. If appropriate, the IRC, through its Chairperson, may also advise/

notify the complainant and the Bishop of its decision, so that other action as appropriate may be pursued.

- (b) To deduct, notwithstanding anything in the service rules applicable to the respondent, from the salary or wages of the respondent such sum towards compensation, as it may consider appropriate to be paid to the victim or to the legal heirs of the victim, as it may determine. In case the employer is unable to make such deductions from the salary of the respondent due to absence from duty or cessation of employment, it may direct the respondent to pay such sum to the victim. In case the respondent fails to pay the sum, the DRC shall deal with the case in accordance with the Section 13(3) of the Act and forward the report to the District Officer concerned for appropriate action.

V. ABANDONING THE PROCESS

- a) If it is morally ascertained that the allegations have been made in bad faith, then the Chairperson of the IRC will advise the DRC accordingly and the process will be abandoned and appropriate punitive measures may be suggested.
- b) In case there is no sufficient evidence, it should be made clear to the parties that the case can also be abandoned due to the absence of sufficient evidence to establish guilt with moral certainty, but it does not prove that this was a false complaint.

VI. CONFIDENTIALITY

The Proceedings Committee shall be confidential.

The Chairperson shall direct every person to ensure that the proceedings of the Committee are not discussed outside. As far as possible, the identity of the complainant and alleged perpetrator shall be kept confidential.

8. ANNUAL REPORT

IRC and DRC shall prepare an annual report giving a full account of its activities during the previous year and forward a copy thereof to the Bishop and the District Officer concerned. The Annual Report shall contain the following information:

- (a) Number of complaints of sexual harassment received during the year
- (b) Number of complaints disposed of during the year
- (c) Number of cases pending for more than 90 days
- (d) Number of workshops or awareness programmes regarding these Guidelines to deal with sexual harassment at workplace carried out during the year
- (e) Nature of action taken by the Management in case of any complaint
- (f) Number of false/ malicious complaints.

9. CARE AND HEALING FOR THE VICTIMS

When sexual abuse is proved, the following pastoral and spiritual assistance must be provided:

- A. *Care of the victims*: Pastoral care must encompass justice, compassion, protection and restitution for

the victim. The Diocese must ensure that medical, financial, spiritual and any other necessary help is provided to the victim(s) to gain back control of his/her life.

- B. *Care of the hurting community* (Whether a family, Parish, a Diocese): The community where the violation occurred is also wounded and needs healing. Efforts must be made to restore the faith and confidence of the victim as well as of the community. This must be done by:
- (a) Informing the community of the facts, thus setting aside any rumour or gossip that may surround the incident(s)
 - (b) Communicating with empathy to the victim and the hurt family
 - (c) Ensuring that justice is done to the victim(s)
 - (d) Affirming zero tolerance towards sexual misconduct.

10. CARE FOR THE RESPONDENT

- (a) The respondent also needs help from experts to understand and evaluate his/her situation. The person should be helped to face up to the misconduct with fairness, truthfulness and led to repentance and compassionate mercy of God.¹
- (b) If the respondent belongs to the clerical state/or consecrated life, he/she must be made aware of the ecclesiastical and canonical processes governing his/her particular case. The Bishop must follow the Canon Law and any CBCI/ Diocesan Norms in

dealing with these situations. The respondent must be allowed to return to active ministry only if he/she has been certified in writing to do so, by a qualified counsellor and his/her spiritual advisor.

- (c) Care for the respondent's family: The respondent's family may also initially be in denial and later feel lost, ashamed and confused. The family members may also feel anger at being betrayed by one of their own and may even blame the community themselves. They may slowly withdraw from there and suffer in silence. Counselling and therapy along with spiritual healing need to be offered to the respondent's family by the Diocese.

11. SPECIAL CIRCUMSTANCES

A. Resignation of the respondent

- (a) It may happen during the investigation process that the respondent resigns from the institution run by the Management. The Management cannot force an individual to remain employed with the Management if one wishes to resign. However, in such an event the Bishop will notify the respondent and make sure to enter a note in the service record of the individual in question, disclosing that the person resigned while under investigation for allegations of sexual harassment at workplace.
- (b) Such an individual who has resigned before the conclusion of the case will be banned from working with the Management until the person is fully cleared from the allegations of wrongdoing.

- (c) The IRC, in its discretion, will determine whether or not the investigation should be pursued despite the resignation of the alleged member. The complainant will be advised by the ICC and the Bishop accordingly.

B. Complainant/Respondent belonging to another organization

- (a) If the complainant belongs to another organization and files a case against a staff member of the Diocese, the present Guidelines shall apply. Consultations will be held between the Management and the other organization concerned about the handling of the case.
- (b) If the complainant is from the Management and the respondent is from another organization, these Guidelines shall not apply. However, the Management will put in its best efforts to ensure that the interests of its personnel are protected by the other organization.

Appendix

CODE OF PROTECTIVE BEHAVIOUR
(For the Members of the Catholic Institutions run / managed by the Diocese)

As a member working in the Diocese/ Parish which is committed to the protection of human rights, I agree to abide by the following rules and regulations drawn up by it in this regard.

Accordingly, I state that:

1. I shall always ensure that:

- a) I am open and not secretive about my activities associated with my service in the institution.
- b) I will interact with everybody in a manner which demonstrates respect, dignity, integrity, empathy, understanding and patience.
- c) I will always adopt socially appropriate adult behaviour towards my colleagues.
- d) The doors of the room that I am using are always open or visual access is always maintained when I am alone with any other person.
- e) While discharging my duty in the institution with a person of the other sex, I will maintain the professional boundaries of relationship with them.
- f) I will never touch the private parts of any person's body unless I am a certified medical practitioner and only for performing a legitimate and necessary medical action.

- g) I will announce myself before entering any area of privacy, if a legitimate business of the institution requires me to enter that area.
- h) I will comply with the principles and standards of Indian and International policy on Sexual Harassment, Labour laws and Conventions.
- i) I will comply with all the procedures of these 'Guidelines to Deal with Sexual Harassment at Workplace' implemented in the institution.
- j) I will speak up on any genuine case of abusive behaviour to the proper persons concerned, viz., to the Head of the Institution/Internal Committee Chairperson, no matter what, but without gossip-mongering.
- k) I will comply with the dress-code prescribed by the institution while on duty and, if there is no specified dress code, I will always come modestly and neatly dressed.

2. I will always avoid:

- a) Engaging in behaviour that is intended to shame, humiliate, belittle or degrade the people and the institution.
- b) Using inappropriate, offensive, discriminatory, vulgar or abusive language when speaking with people.
- c) Doing things of a personal nature that a person can do by oneself- such as, assistance at the washroom or changing clothes

- d) Taking a person of the other sex, other than my spouse, that I am professionally engaged with, to my own home/hotel or sleeping in the same room or bed with any of them.
- e) Slapping, hitting or assaulting
- f) Having recourse to or using disciplinary means which are physically or emotionally derogatory
- g) Engaging in any sexual conversation or discussing sexual activities
- h) Indulging in any manner of activities that are, or could be interpreted to be, aimed at any type of sexual relationship
- i) Developing a sexual relationship or one that may be deemed exploitative or abusive in nature
- j) Indulging in behaviour with persons that lead to close physical contacts unless it is an unavoidable part of a structured activity
- k) Performing medical/physical examinations of people unless it is my legitimate professional duty or a medical emergency
- l) Showing pornographic materials to the people or having them in the premises of the institutions or in my possession when involved in an activity in the institution or outside of it
- m) Exposing areas of my body considered private in an inappropriate manner in the presence of other people

- n) Condoning or participating in behaviour of illegal, unsafe or abusive nature
- o) Taking photograph or video-recording without the consent of the person
- p) Holding, kissing, cuddling or touching in an inappropriate, unnecessary or culturally insensitive way
- q) Supplying alcohol or illegal drugs or tobacco products
- r) Discriminating on the basis of their race, colour, sexual orientation, language, status, ethnicity, nationality, caste, religion etc.
- s) Irresponsible use of social media or internet (by way of texting, chatting, exchange of photographs or video clippings of any vulgar or sexual connotation).
- t) Neglecting to take action when a person is in real need.

Signature:

Name of the Employee:

Name of the Institution:

Date:

These 'Guidelines to deal with Sexual Harassment of Women at Workplace', having been placed before the Senate of the Diocese of Udupi on 17-08-2021, were discussed and having obtained its approval, I hereby promulgate them for their implementation in this Diocese w.e.f. 01 September, 2021.

Promulgated from our Episcopal Residence on 24 August 2021, the Feast of St Bartholomew, Apostle, the twenty first year of my Episcopate, the Year of St Joseph and the Year of Amoris Laetitia Family.

V. Rev. Fr Stany B. Lobo
Chancellor

✠ Gerald Isaac Lobo
Bishop of Udupi