



**ANDHRA LOYOLA INSTITUTE OF
ENGINEERING AND TECHNOLOGY**

POLICY DOCUMENT ON CODE OF ETHICS

**A POLICY FOR SAFEGUARDING CHILDREN AND
VULNERABLE ADULTS FROM SEXUAL ABUSE AND
ALL OTHER FORMS OF ABUSE, EXPLOITATION AND
MALTREATMENT**



**JESUIT PROVINCE SOCIETY, HYDERABAD
(ANDHRA JESUIT PROVINCE) - 2019**

Am
PRINCIPAL

**ANDHRA LOYOLA INSTITUTE OF
ENGINEERING & TECHNOLOGY
VIJAYAWADA-520 008**

**A POLICY FOR SAFEGUARDING
CHILDREN AND VULNERABLE ADULTS FROM
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**JESUIT PROVINCE SOCIETY – HYDERABAD
(ANDHRA JESUIT PROVINCE)
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(For Private circulation only)


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ACKNOWLEDGEMENTS

Jesuit Province Society, Hyderabad, is a registered non-profit organization (NPO), popularly known as Andhra Jesuit Province. It has been rendering services since 1973 in both the states of Telangana and Andhra Pradesh in education, pastoral, social and health sectors. It operates in all the thirteen Catholic dioceses of both Telugu speaking states. Each of the educational institutions under this Society has its own set of norms and guidelines for safeguarding children and vulnerable adults. These are published in the Almanac of those institutions and they are adhered to. The desire of Andhra Jesuit Province is to manifest its commitment for safeguarding children and vulnerable adults by having a common policy on the same for the entire Province. As Jesuits Conference of South Asia (JCSA) policy for safeguarding children and vulnerable adults covers all aspects and was found to be very sound, it was decided that the Andhra Jesuit Province policy will be totally based on it.

At the request of Fr. Provincial, a team consisting of Frs. Elango SJ, Madanu Thomas SJ and Vatti Joji SJ went through this policy of JCSA. Basing primarily on it and taking into consideration the State and Church policies, the team prepared a policy document. The team also did not deviate in any way from its original source. We thank JCSA for permitting us to adopt it.


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This policy is drafted as 'One Campus One Policy'. Therefore, all the Centers of Activity (CoA) in a campus in the Province shall be governed by the same policy and all the communities in the Province need to implement it in accordance with their local needs. This policy will be an instrument for creating a safe environment for children and vulnerable adults in all our centers of activity in the Province, enabling us to achieve zero tolerance towards abuse and maltreatment of children and vulnerable adults. We believe that this policy will be read, understood and practiced by every Jesuit and the staff of Jesuit Institutions in the Province.

We are grateful to the team for preparing this document and to Fr. Alla Stanislaus SJ an expert on this matter, for showing the way to proceed in this regard with his guidance and inputs.

Fr. P.S. Amalraj SJ

Provincial

21st June 2019


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CHAPTER 1: INTRODUCTION

1.1 CONTEXT OF THE POLICY – CIVIL AND CHURCH PERSPECTIVES

India, home to the largest child population in the world, is faced with an ever-increasing prevalence of child abuse which often goes unreported or unattended to. The Indian Government conducted a survey of 1,25,000 children in thirteen states. Of the children interviewed, more than half (53%) said that they had been subjected to one or more forms of sexual abuse. Over 20% of those interviewed said they were subjected to severe forms of abuse. Of those who said they were sexually abused, 57% were boys.¹ The Constitution of India guarantees fundamental rights to all its children and empowers the State to make special provisions for them in order to ensure their healthy growth in freedom and dignity and their protection from human trafficking, child labor, exploitation and all forms of abuse (articles 15 (3), 21 (A), 23, 24, 39 (e)). In addition, a number of legislations have come up with a special purpose of protecting children and women: Child Labor (Prohibition and Regulation) Act 1986, Protection of Children from Sexual Offences (POCSO) Act 2012, Juvenile Justice (Care and Protection of Children) Act 2015, Criminal Law amendment Act 2013 etc. All these provisions along with other acts issued by the government for the safety of children and vulnerable adults and the guidelines provided by State Boards for school, intermediate and collegiate education and other Boards like UGC, AICTE etc., call for concerted efforts from all citizens to take proactive steps to protect children, women and vulnerable adults from all forms of abuse.

The Church too, having experienced the pain of children and vulnerable adults being subjected to various forms of abuse, directs all the Bishops and major superiors, through the Canon Law and a series of documents and letters, to put in place an effective

¹Ministry of Women and Child Development, Government of India, 2007.

mechanism to protect children and vulnerable adults, prevent abuse and redress abuse-related issues, keeping in line with the legal framework of the country. Pope Francis, as the Head of the Catholic Church, shows profound concern for the victims of clerical sexual abuse and assures them that the Catholic Church would take stringent measures to protect minors and vulnerable adults. To realize this vision, the Pontifical Commission for the Protection of Minors was established in March 2014, the purpose of which is stated by the Pope himself: “Many painful actions have caused a profound examination of conscience for the entire Church, leading us to request forgiveness from the victims and from our society for the harm that has been caused. This response to these actions is the firm beginning for initiatives of many different types, which are intended to repair the damage, to attain justice, and to prevent, by all means possible, the recurrence of similar incidents in the future.” Headed by Cardinal Sean O’Malley, this Vatican Commission aims to help the Bishops Conferences, Religious Superiors and other bodies to evolve policies to offer safer environment for the protection of children.

1.2 OBJECTIVES OF THE POLICY

In adherence to the Civil law and the Church law, this policy, which applies to all the members of the Jesuit Province Society and all the staff working with them, aims to ensure a safe environment for children and vulnerable adults in all its centers of activity by setting up standards and procedures to protect children, prevent all forms of abuse and redress situations of misconduct. Specifically, the policy seeks to protect children and vulnerable adults from sexual abuse, sexual harassment, sexual exploitation, sexual assault and all forms of maltreatment in all our centers of activity. The policy places special emphasis on preventive measures so as to avoid all forms abuse and

maltreatment in the first place. This includes staff recruitment procedures to be followed, training of the vowed members and the staff regarding the policy, enumeration of the best practices and norms for prevention of abuse. The policy also presents a detailed redressal mechanism by clarifying the roles and functions of individuals and bodies designated to ensure the protection of children and vulnerable adults, stating the procedure for reporting abuse and the disciplinary action to be initiated in case of misconduct.

1.3 GUIDING PRINCIPLES OF THE POLICY

This policy places clear responsibilities on all Jesuits (*vowed members*), staff and associates of all centers of activity to safeguard all children and vulnerable adults under their care. For this purpose, the policy presents clear guidelines based on the following principles:

- a) The welfare and best interest of children and vulnerable adults is paramount.
- b) Children and vulnerable adults irrespective of their age, place of birth, gender, culture, language, religious belief, and any disability, have the right to protection from abuse and maltreatment.
- c) All Jesuits and their staff have the moral and statutory duty *towards* the care, custody and protection of any child under the age of 18 *and any vulnerable adult* under their supervision.
- d) Jesuits and their staff *shall have effective procedures and programs in place* to take every possible measure to protect and support children and vulnerable adults from all forms of abuse and maltreatment including sexual assault.
- e) All incidents of maltreatment and allegations of abuse will be taken seriously and responded to immediately and appropriately.

- f) The right of the child and the vulnerable adult to privacy and confidentiality shall be protected by all means through all stages of the proceedings under these guidelines.
- g) Non-stigmatizing language shall be strictly adhered to, and the use of adverse or accusatory words shall be prohibited in the process pertaining to the child and the vulnerable adult under these guidelines.

1.4 APPLICABILITY OF THE POLICY

This Policy shall apply to:

- a) Any situation involving children and young people up to the age of 18 and vulnerable adults above 18 years of age.
- b) To all persons (both vowed members, associates and the staff of Jesuits) of the *Center of Activity* as well as those who visit the *Center of Activity* from time to time including partners/ collaborators/contractors/consultants/volunteers who are associated with the *Center* in its various works.

[In the case of contractors and consultants, it is the duty of the Superior/Heads of the Institutions/ Centers of Activity to which they are associated with to ensure that they are made aware of these policy guidelines and to ask them to follow them in letter and spirit]

1.5 CLARIFICATION OF TERMS

For the purpose of this document, the following terms are explained:

- a) **“Abuse”** means and includes cruel and violent treatment of a person, animal or thing.
- b) **“Abusive behavior”** means and includes any type of sexual abuse including sexual harassment of women at workplace.
- c) **“Accused”** means a person who has been alleged of any safeguarding concern and/or against whom a complaint of sexual abuse or sexual harassment has been lodged.

- d) **“Adult”** means a person aged 18 and above.
- e) **“Advisory Council”** means the duly appointed Consultants of the Center of Activity.
- f) **“Allegation”** means any disclosure of an act of inappropriate behavior of an abusive nature.
- g) **“Appellate Authority”** means the Provincial/President to whom the appeal may be referred.
- h) **“Centre of Activity (CoA)”** means a recognized centre of the Province, commonly referred to as a ministry, institution, school, house, program or outreach where members of the Province and others work and administer whether singularly or collectively, either owned, managed, or in collaboration with other groups. *This includes formation houses and centers that exist on property that belongs to or leased to the Province and are administered by an independent group or individual.*
- i) **“Complainant”** means an individual or individuals who formally report abusive behavior to a duly designated person.
- j) **“Consultant”** means one who is hired to provide consultancy services to the Center of Activity.
- k) **“Emotional Abuse”** *includes failure to provide supportive environment, non-physical, hostile or rejecting treatment.*
- l) **“Internal Complaints Committee (ICC)”** means a redressal mechanism constituted under the Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal) Act 2013 to deal with cases of sexual harassment of women at workplace in any of the Centers of Activity.
- m) **“Internal Grievance Cell (IGC)”** means a redressal mechanism constituted by the Protection Officer in consultation with the Advisory Council, *and in accordance with this policy*, to prevent and redress allegation/incidence of any form of sexual abuse

and maltreatment of children and vulnerable adults. *According to this policy*, the same committee functions as Internal Complaints Committee (ICC) as well as Internal Grievance Cell (IGC).

- n) **“Corporal/Physical Punishment”** includes any degrading punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light it may be; it also includes non-physical forms of punishment which are cruel and *degrading to the person*, such as behaviors and actions that belittle, humiliate, denigrate, scapegoat, threaten, scare or ridicule children and vulnerable adults.
- o) **“Minor”** means the person who has not *attained* eighteen years of age.
- p) **“Neglect”** means failure to meet development needs / ensure the wellbeing of *the child/vulnerable adult* and *failure to protect the person* from harm.
- q) **“Non-Contact based sexual offences with a child”**: Whoever, with an intention to achieve sexual gratification, commits any of the following with a child or vulnerable adult:
 - (a) exposes the genitalia to the child/vulnerable adult or making them do so;
 - (b) masturbates in the presence of the child/vulnerable adult or making them do so;
 - (c) shows pornography to the child/vulnerable adult, in any form;
 - (d) exposes the child/vulnerable adult to sexual contact between any two persons;
 - (e) uses sexually explicit and inappropriate language, before a child/vulnerable adult;
 - (f) Undertakes any other acts intended to outrage the modesty of a child/vulnerable adult.

- r) **“One Campus one Policy”** means that all the Centers of Activity in one campus will have a single redressal mechanism *as per the policy*.
- s) **“Paraphilia”** (also known as **sexual perversion** and **sexual deviation**) is the experience of intense sexual arousal to atypical objects, situations, or individuals and usually refers to disorders that are first diagnosed in infancy, childhood or adolescence.
- t) **“Pedophilia”**: The condition of an adult who has recurring intense, sexual urges and sexually arousing fantasies involving sexual activity with a prepubescent minor.
- u) **“Penetrative Sexual Assault”** A person is said to commit “penetrative sexual assault”, if
- i. he penetrates his penis, to any extent, into the vagina, mouth, urethra or anus of a child/vulnerable adult or makes the child/vulnerable adult to do so with him or any other person; or
 - ii. he/she inserts, to any extent, any object or a part of the body, not being the penis into the vagina, the urethra or anus of the child/vulnerable adult or makes the child / vulnerable adult to do so with him/her or any other person; or
 - iii. he/she manipulates any part of the body of the child/vulnerable adult so as to cause penetration into the vagina, urethra, anus or any part of body of the child/ vulnerable adult or makes the child / vulnerable adult to do so with him/her or any other person; or
 - iv. he/she applies his/her mouth to the penis, vagina, anus, urethra of the child/ vulnerable adult or makes the child/ vulnerable adult to do so to such person or any other person.
- v) **“Physical abuse”** includes actual or potential physical harm by persons in authority/responsibility/power.

- w) **“Prepubescent minor”** means a minor who has not yet reached puberty. The age at which puberty begins is fixed in Law as 12 years for girls and 14 years for boys.
- x) **“Protection Officer”** means the Secretary/Correspondent/ Manager/ Superior or any other competent person duly appointed as such by the Provincial.
- y) **“Province”** means the geographical area which is demarcated and assigned to a particular Province of the Society of Jesus.
- z) **“Provincial”** means the duly appointed head of the Province who usually also is the President of all the registered bodies of that particular Province.
- aa) **“Religious”** means any consecrated person in the Catholic Church who has opted to live under the three vows of Poverty, Chastity and Obedience.
- bb) **“Sexual Abuse”** includes getting a child or vulnerable adult involved in sexual activity that s/he does not understand or consent to and any act which involves sexual contact, sexual molestation or sexual exploitation of a child or vulnerable adult by an adult, whether physical injuries are sustained or not. It includes acts of incest, rape or sexual offences of any degree, sodomy and unnatural or perverted practices, lewd or indecent actions or proposals permitting or encouraging a child or vulnerable adult to participate in any sexual activity, including exposing the child to adult or pornographic materials or engaging in any act with a child or vulnerable adult that is contemplated by the adult to provide sexual satisfaction for himself or herself. Any act which involves contact or non-contact-based activity is sexual abuse in any of the ways referred to below and shall include the following:

- An adult exposing his or her genitals to a child or vulnerable adult or persuading the child or vulnerable adult to do the same.
 - An adult involving a child or vulnerable adult in pornography; *an adult having oral, vaginal, or anal intercourse with a child or vulnerable adult.*
 - An adult touching a child's or vulnerable adult's genitals or making the child or vulnerable adult touch the adult's genitalia.
 - Any verbal or other sexual suggestions made to a child or vulnerable adult by an adult.
- cc) **“Sexual Assault”** means and includes when a person, with sexual intent touches the vagina, penis, anus or breast of the child/ vulnerable adult or makes the child / vulnerable adult touch the vagina, penis, anus or breast of such person or any other person, or does any other act with sexual intent which involves physical contact without penetration.
- dd) **“Sexual Exploitation”** is any actual or attempted abuse of a position of vulnerability, differential power or trust, for sexual purposes including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.
- ee) **“Sexual Harassment”** means any such unwelcome sexually determined behavior such as physical contact, advances, sexually colored remarks, showing pornography or making sexual demands, whether verbal, textual, graphic or electronic or by any other action, which includes:
- (i) Implied or overt promise of preferential treatment in that employee's employment
 - (ii) Implied or overt threat of detrimental treatment in that employee's employment; implied or overt threat about the present or future employment status of that employee; creation of a hostile working environment.

- (iii) Interfering with an employee's work or creating an intimidating, hostile or offensive work environment.
- (iv) Conduct which can be humiliating and/or constitute a health and safety problem.
- ff) **"Society"** means Society of Jesus in general and, *in particular, Andhra Jesuit Province, legally termed as Andhra Jesuit Province Society, Hyderabad.*
- gg) **"Staff"** means and includes all employees, both domestic and institutional; all workers, teachers, catechists, masters, contractors, activists, representatives, associates, consultants, volunteers, religious, vowed members, employed by/at the different Centers of Activity under the care of the Province, whether on a paid or voluntary basis.
- hh) **"Victim"** means the person against whom the abuse was directed.
- ii) **"Volunteer"** means any person who gives freely of his or her time and expertise to participate in activities initiated by any Center of Activity.
- jj) **"Vowed Member"** means a Jesuit belonging to a particular Province of the Society of Jesus, in this case, the Andhra Jesuit Province. *In general, it includes any other person of a religious congregation living and working with the Jesuits in any Center of Activity.*
- kk) **"Vulnerable Adult"** means a person who is unable, or unlikely to report sexual assault, sexual exploitation and/or sexual harassment unless assisted in doing so, due to impairment of a mental or physical function, or due to unequal power relationships with a person in a position of power, authority, or in control of resources who seeks or accepts to provide protection, assistance or service in exchange for sexual acts or favors. It also includes taking advantage of a position of vulnerability, differential power, or trust for sexual purposes.

CHAPTER 2: POLICY STATEMENT OF THE ANDHRA JESUIT PROVINCE

Faithful to the mandate of the Civil Law as well as the Catholic Church, the Provincial of Andhra Jesuit Province, as the President of the Andhra Jesuit Province Society, Hyderabad, considers it as his bounden duty to promulgate a policy with clear guidelines for the protection of children and vulnerable adults under our care against any type of sexual abuse, sexual harassment and all other forms of abuse, exploitation and maltreatment.

2.1 POLICY DECLARATION

All the members belonging to Andhra Jesuit Province, coming under the Provincial and President of the Jesuit Province Society, Hyderabad, are committed to protect the rights and dignity of children and vulnerable adults and hence we declare:


- i. That the Province maintains a zero-tolerance policy towards abuse of children and vulnerable adults.
- ii. That all laws, rules and guidelines of the country and the States where the Center of Activity is situated, relating to the protection of children and vulnerable adults, shall be adhered to strictly.
- iii. That the provisions of recruitment policy shall be in accordance with the provisions of this policy.
- iv. That all the premises shall be a safe space for children and vulnerable adults and all necessary safeguards and precautions will be taken towards this end.
- v. That all CoAs shall ensure that the staff, contractors, volunteers and Board Members, if any, are trained at least once a year regarding this policy and oriented towards good practices for safeguarding the rights of children and vulnerable adults.

- vi. That all the hostels for girls and/or working women's hostels that are placed under the care of the Jesuits shall be *managed by religious sisters collaborating with the Jesuits in a Center of Activity to ensure better administration.*
- vii. That all the Centers of Activity shall work actively with parents, guardians, concerned investigating police officers and other engaged stakeholders to prevent incidents of abuse of children and vulnerable adults.
- viii. That all residential, work and learning/training spaces in the premises shall be constructed and existing structures modified in a manner so as to keep children and vulnerable adults in a safe and protected zone.
- ix. That in all decision-making processes, the interests of the children and vulnerable adults shall be given primary consideration.
- x. That counseling services and therapeutic interventions shall be made available to all children and vulnerable adults if and when the need arises and/or it is requested.
- xi. That it is the responsibility of all the Centers of Activity to ensure that this policy for the protection of children and vulnerable adults is understood and signed by all staff members, volunteers and associates.
- xii. That the Provincial of Andhra Jesuit Province commits himself to preventing and responding appropriately to any harm to children and vulnerable adults and that he further commit himself to the task of preventing any person from working with children and/or vulnerable adults if this poses an unacceptable risk.
- xiii. All other organizations collaborating with any CoA either temporarily or permanently are expected to have their own

policies in accordance with this policy. In the absence of such a policy, they are deemed to have consented to this policy by virtue of their association with the CoA under the jurisdiction of the Province.

2.2 IMPLEMENTATION OF THE POLICY

- a) The Provincial of Andhra Jesuit Province, with the collaboration of all Superiors and other designated members, takes the responsibility of implementing this Policy in the entire Province.
- b) This policy for the protection of children and vulnerable adults from sexual abuse, assault, harassment and maltreatment, based on the 'Child Protection Policy' of the South Asian Assistancy, is a binding policy for the entire Andhra Province.
- c) Each Superior or any person/s duly appointed on his behalf is responsible to ensure that every staff involved/associated with the Jesuits in the respective Centre of Activity is made aware of this Policy periodically through appropriate training, workshops and awareness programs.
- d) The Provincial of Andhra Jesuit Province, in consultation with the Consultors/Superiors/other designated members, reserves the right to bring in any revisions/ amendments in this Policy as and when required.


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CHAPTER 3: PREVENTIVE MEASURES

3.1 RECRUITMENT PROCEDURE OF ALL THE STAFF

- a) All recruitment and appointments of the vowed members/ staff members/ contractors/volunteers and other associates in all Centers of Activity shall be done carefully. No person with a criminal record of sexual and/or physical violence should be recruited or appointed for any position in any of our Centers of Activity. Further, all selected candidates must submit a signed affidavit² to the concerned Head of the Center of Activity, that they have not been accused of offences under POCSO (Prevention of Child Sexual Offences Act, 2012), Juvenile Justice (Care and Protection of Children) Act, 2015, Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013, and any other sexual and/or violent crimes under any other Act which is currently in force.
- b) The selection interview should include specific questions at the first stage on child protection issues to probe the applicant's attitude, experience and approach towards working with children and vulnerable adults.
- c) During the induction/probation period, feedback should be taken from children and persons placed under their care and from their supervisors.
- d) During recruitment and induction, the person should be clearly told that a policy for the protection of children and vulnerable adults against abuse and maltreatment exists and he/she shall be required to abide by it.
- e) Along with the appointment letter, a copy of the policy shall be made available to the new employee for his/her reading and understanding the policy. The employee shall be asked to sign an undertaking that he/she has read the policy and shall abide by it.³

¹ See Annexure No. 2

² See Annexure No. 3

³ See Annexure No. 3

3.2 ORIENTATION & TRAINING TO THE STAFF ON THE POLICY

- a) All existing staff shall be given orientation and full training on this policy every year as part of the ongoing training program at the Center of Activity level. All the existing staff also shall sign an undertaking that he/she has read and understood the policy and shall abide by it⁴.
- b) Specialized orientation on child protection shall be provided for staff working directly with the children.

3.3 BEST PRACTICES FOR PREVENTION OF ABUSE

Our staff should be encouraged to demonstrate exemplary behavior in order to create a safe environment in the campus for children as well as vulnerable adults. In case of an educational institute, it is desirable to appoint a counselor to provide access to children to talk freely about any concerns they may have.

- a) Avoid taking children or vulnerable adults to closed and secluded areas, for example, one's room, office, center, classroom etc., unless accompanied by other adults.
- b) All trips, rides, vacations, camps and other such activities must have the approval of the parents/ guardians and/or the appropriate institution, prior to the activity.
- c) When a one-to-one meeting with a child/vulnerable adult is considered appropriate, it should take place in a room with the door left open or in a room where there is easy visibility from outside. All efforts shall be made to make the child/vulnerable adult feel secure.
- d) Be sensitive to the possibility of becoming over involved or spending a great deal of time with any one child/vulnerable adult.
- e) Do not provide a child/vulnerable adult with alcoholic beverages, tobacco, drugs or anything that is prohibited by law.

- f) Avoid giving gifts to a child/vulnerable adult in any Center of Activity except on special occasions like marriage, birthday, anniversary etc.
- g) Avoid telephoning or sending emails to children and vulnerable adults unless necessary. Primary contact should be with the parents/guardians of the children/vulnerable adults.
- h) Topics, vocabulary, recordings, films, games or the use of computer software or any other forms of personal interaction or entertainment that is not used comfortably in the presence of the parents/ guardians should not be employed with children or vulnerable adults. Sexually explicit or pornographic material should never be shown to children or vulnerable adults.
- i) Comments of a sexual nature are inappropriate even as jokes with children and vulnerable adults.
- j) Treat everyone with respect and ensure that all communication is appropriate.
- k) Do not engage in any physical punishment of child in public or private.
- l) Avoid showing favoritism.
- m) Use 'Touch' only as appropriate or as the culture of the place permits.
- n) Never do for a child what she/he can do for herself/himself.
- o) Do not undermine the parent's authority by ridiculing parents' beliefs or allowing children to do anything against the wishes of their parents.
- p) Never ask a child to keep a secret from his or her parents.
- q) Adequate training for appropriate/healthy way of relating with minors must be given to the staff in our institutions.
- r) The topic of sexual abuse, sexual exploitation and maltreatment are to be consciously included in the formation program of the vowed members of the Institute at various stages of their formation.

3.4 PROHIBITED BEHAVIOURS

Obsessive and compulsive relationships need to be avoided or prevented in all our Centers of Activity. The Heads of the Centers of Activity and/or members delegated by the Heads play a major role in not only ensuring a safe environment for children/vulnerable adults but also in facilitating a standard redressal process when norms are violated. For the purpose of clarity, the following types of behaviors are considered inappropriate/offensive on the part of the staff and are therefore strictly prohibited, as they go against the vision and mission of the Society and are detrimental to the healthy atmosphere of the Center of Activity/Institute concerned. Therefore the following behaviors must be avoided:

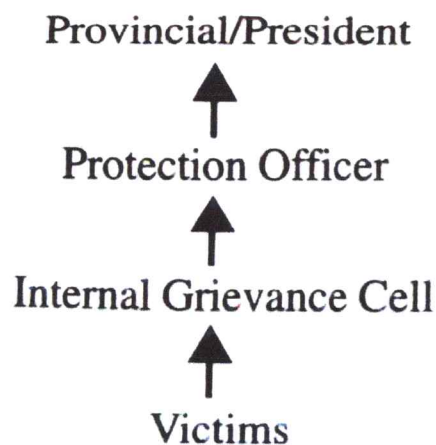
- a) Sexual advances and various types of inappropriate physical contact and any form of sexual harassment.
- b) Requests for sexual favors in return for some benefit.
- c) Display of any sexually oriented or morally inappropriate materials through various media: print, audio, visual, audio-visual or any other electronic forms.
- d) Corporal/physical punishment inflicted upon a child or vulnerable adult.
- e) Using language that will mentally or emotionally abuse the child or the vulnerable adult
- f) Acting in such a way that tends to embarrass shame, humiliate or degrade a child or vulnerable adult.
- g) Kissing, hugging, fondling, rubbing or touching a child in an inappropriate or culturally insensitive way.
- h) Taking photographs of children or vulnerable adults while they are nude, partially nude or undressing.
- i) Meeting children/vulnerable adults in closed rooms where one cannot be seen.


- j) Taking children/vulnerable adults to the adult's living room unless accompanied by other adults.
- k) Taking unfair advantage of a professional or counseling relationship.
- l) Suggesting inappropriate behavior or relationship of any kind to a child or vulnerable adult.

CHAPTER 4: REDRESSAL MECHANISMS

4.1 STRUCTURE OF THE REDRESSAL MECHANISM

Our primary aim is to prevent any incident of penetrative sexual assault, sexual assault, sexual abuse, sexual harassment, and all other forms of abuse, exploitation and maltreatment of children/vulnerable adults and women in all our Centers of Activity. However, if any incident of such type takes place in any of our Centers of Activity, we need to have a clear procedure to deal with it. For this purpose, there shall be '**one-campus one redressal mechanism**' to deal with protection of children, vulnerable adults and women from abuse and maltreatment. The Redressal Mechanism shall consist of the following persons:




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4.2 POWERS AND FUNCTIONS OF THE PROVINCIAL / PRESIDENT

- a) The Provincial/President shall appoint a Protection Officer and an Advisory Council to assist the Protection Officer to take appropriate decisions in a Center of Activity (CoA) based on the findings of the Internal Grievance Cell which also functions as Internal Complaints Committee in case of sexual harassment of women at workplace.
- b) The Provincial/President shall appoint Heads of Centers of Activity/Institutions/Projects who will be locally responsible to ensure a safe environment for children and vulnerable adults.
- c) The Provincial/President shall deal with any appeal against the decisions of the Protection Officer in matters involving Penetrative Sexual Assault, Sexual Assault, Sexual Abuse, Sexual harassment or all other forms of abuse, exploitation and maltreatment of Children and Vulnerable Adults.
- d) The Provincial/President shall appoint/nominate any competent member of the respective registered Society/CoA as spokesperson to deal with the media as and when required.
- e) Where the complaint/allegation is against a vowed member, and when the preliminary inquiry comes to the conclusion that the allegation of Penetrative Sexual Assault, Sexual Assault, Sexual Abuse, Sexual harassment or any other form of abuse, exploitation and maltreatment of Children/Vulnerable Adults is *prima facie* made out, the Provincial shall take appropriate action according to the Constitutions of the Society, the Law of the Catholic Church and the Procedural Norms for dealing with cases involving sexual abuse of minors promulgated by the CBCI. Besides this, he shall do whatever the civil law and the present policy prescribe.

4.3 POWERS AND FUNCTIONS OF PROTECTION OFFICER

The Protection Officer shall be the Secretary/Correspondent/Manager/Superior or any other competent person duly appointed by the Provincial.

- a) The Protection Officer shall appoint the Chairperson and the members of the Internal Grievance Cell (which also functions as Internal Complaints Committee under Sexual Harassment of Women at Workplace [Prevention, Prohibition and Redressal] Act 2013), in consultation with the Advisory Council and the Heads of the Centers of Activity within the same campus.
- b) The Protection Officer is competent to receive any complaint/allegation directly from the complainant.
- c) When the Protection Officer receives the complaint/allegation directly, he shall forward the same for Preliminary Inquiry to the Chairperson of the Internal Grievance Cell (Internal Complaints Committee, in case of a case dealing with Sexual harassment of women at workplace.)
- d) The Chairperson of the Internal Grievance Cell/Internal Complaints Committee in turn shall make a preliminary inquiry into the matter to ascertain the truth of the matter and within three days of the receipt of the complaint/allegation, s/he shall submit a preliminary inquiry report to the Protection Officer.
- e) Where on reception and perusal of the Preliminary Inquiry Report, if a *prima facie* case is made out, the Protection Officer shall send the matter back in writing to the Internal Grievance Cell/Internal Complaints Committee for further investigation and inquiry to complete the process within the timeframe.
- f) The Protection Officer shall take timely and appropriate decision based on the report of the Internal Grievance Cell/Internal Complaints Committee.
- g) The Protection Officer shall take the advice of the duly appointed Advisory Council in arriving at an appropriate decision.

- h) In case of serious sexual offence which calls for mandatory reporting or in case of an offence of criminal nature, the Protection Officer on ascertaining the occurrence of the same, shall report to the authority concerned according to the procedure prescribed by the law.

4.4 INTERNAL GRIEVANCE CELL(IGC)/INTERNAL COMPLAINTS COMMITTEE

4.4.1 Composition

Depending on the number of institutions and Centers of Activity in a campus, the Protection Officer shall set up an Internal Grievance Cell/Internal Complaints Committee consisting of a minimum of five persons and a maximum of seven persons. It will be a good practice to include a lawyer, a psychologist, a social worker (if available), and an external person of good repute, proven integrity and good judgment in the IGC/ICC (Since it is mandatory to have an external person in the IGC/ICC, ensure that an external person is included in the IGC/ICC). In case of smaller institutions with single or home-based activities like a small parish, two or more institutions in an area/region can be clubbed together for the purpose of forming the IGC/ICC. The Chairperson of the IGC/ICC shall be a woman and half of the other members of the IGC/ICC shall be women.

4.4.2 Tenure

The tenure of the Chairperson and members of the IGC/ICC shall be three years; however, they could be reappointed for another term.

4.4.3 Termination

- a) If any complaint/allegation of sexual exploitation/abuse/harassment or maltreatment is brought against the Chairperson or any member of the IGC/ICC, it shall be submitted to the Protection Officer directly.
- b) Where the complaint/allegation of abuse or maltreatment is made against the Chairperson or any other Member of the IGC/ICC, and a case is made out from the preliminary inquiry by the Protection Officer, they shall be disqualified from officiating any functions of the IGC/ICC with immediate effect.


- c) Where the complaint/allegation against the Chairperson or any Member of the IGC/ICC, as the case may be, is proved false and baseless, they shall resume their offices of the Chairperson or the Member of the IGC/ICC, as the case may be.
- d) Where the complaint/allegation of abuse or maltreatment is proved against the Chairperson or Member, as the case may be, they shall cease to hold their office and shall face the procedures of the civil law of the country and their respective office shall be filled by new persons appointed by the Protection Officer.

4.5 POWERS AND FUNCTIONS OF THE I.G.C./ICC

For the purpose of making an inquiry, the IGC/ICC shall have the same powers as are vested in a civil court under the Code of Civil Procedure, when trying a suit in respect of the following matters, namely:— (a) summoning and enforcing the attendance of any person and (b) examining him/her on oath.

4.5.1 Chairperson

- a) The Chairperson of the IGC/ICC shall receive the complaint/allegation from the complainant/victim or from the Protection Officer and shall conduct a preliminary inquiry to establish the genuineness of the complaint /allegation and a report to that effect shall be submitted to the Protection Officer for further orders.
- b) On receipt of the complaint /allegation either directly from the complainant/victim or the Protection Officer the Chairperson shall communicate the same to the members of the Grievance cell.
- c) The Chairperson shall conduct all the proceedings with the help of the IGC/ICC members and in case of any unavoidable circumstances may designate another member of the Cell to be the convener.


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4.5.2 Internal Grievance Cell (IGC)/ Internal Complaints Committee (ICC)

- a) The Internal Grievance Cell/Internal Complaints Committee shall conduct the investigation and inquiry when the matter is referred to it by the Protection Officer.
- b) The IGC/ICC shall receive the documents submitted by both the victim / complainant and the accused and record statements of witnesses on both sides.
- c) The IGC/ICC has the power to take evidence and allow both sides to cross-examine the witnesses.
- d) The IGC/ICC shall prepare a report of their findings which shall also include statements of the victim and accused, the evidence so recorded and the cross-evidence of both the parties.
- e) The IGC/ICC shall submit its report and findings along with all the documents and appropriate recommendations of punishment/ action against the guilty to the Protection Officer.

4.6 PROCEDURE FOR REPORTING

4.6.1 Mode of Complaint⁵

- a) Any complaint/grievance involving sexual abuse, sexual harassment or maltreatment must ordinarily be reported in writing to the Chairperson of the IGC/ICC or directly to the Protection Officer.
- b) If complainant apprehends retaliation and violence and harm from the accused and therefore s/he is afraid to give the complaint in writing that leads to the revelation of his or her identity, the Chairperson of the IGC or the Protection Officer shall ask the complainant whether s/he would like to proceed with the investigation or not. If the answer is in the positive, a discreet inquiry shall be conducted by the Protection Officer and if the complaint is found to have substance, then he should take *suo-moto* cognizance of the case and serve a show cause notice to the accused person. On receiving his reply, if he does not accept

- his misconduct, the normal disciplinary procedures shall be followed.
- c) Complaints can also be brought by someone else than the survivor of abuse, be it a witness, a relative, or a friend for instance. In any case, survivor's wishes must be considered, particularly when there is a risk of additional physical, and/or emotional harm. The allegation reporter is entitled to protection in case there is a risk of retaliation.
 - d) To make the redressal mechanism more effective, the phone numbers and the email addresses of IGC members, Protection Officer, Provincial/President and the local Ordinary (local Catholic Bishop) shall be displayed in prominent places of the Center of Activity. Complaint boxes shall be made available to all complainants at the Center of Activity to facilitate the process of reporting and redressal.
 - e) In case the complainant is illiterate or disabled, she/he may be helped by any member of the IGC/ICC to reduce the complaint into writing and get it signed or inscribe thumb impression by the complainant.
 - f) To the extent possible, the person making the allegation must provide the name of the accused, the victims, the description of the abuse together with relevant date, time, circumstances and the names and the addresses and contact numbers of the other persons who may have knowledge of the alleged abuse.
 - g) In case the allegation is against the Chairperson of the IGC/ICC, it shall be reported directly to the Protection Officer. On receiving such complaint, the Protection Officer shall appoint one or more persons to conduct an inquiry and submit a report to the Protection Officer within a reasonable time.
 - h) In case of allegation against the Head(s) of the Centers of Activity or Protection Officer, it shall be reported to any member of the advisory council who has not been complained against and if a *prima facie* case is made out after the preliminary inquiry by the member/s of the advisory council, the matter shall be referred to

¹ For the benefit of the complainant a complaint format is given in Annexure 1

the Provincial/President. On receiving such complaint, the Provincial shall conduct a preliminary inquiry either personally or through another person to verify the genuineness of the allegation and if a *prima facie* case is made out, the Provincial shall constitute a Special Inquiry Committee consisting of three members to conduct inquiry and submit a report within a reasonable time.

- i) All the complaints shall be made within a period of 3 months from the date of the occurrence of the sex related case, sexual harassment or maltreatment. However, delay in making the complaint may be condoned for valid reasons.

4.6.2 Preliminary Inquiry by the Chairperson of IGC/ICC

- a) As soon as any complaint is received by the Chairperson of the IGC/ICC either directly or indirectly or the Chairperson on his/her own comes to know of any such allegation of the commission of sexual offence or maltreatment, she shall conduct a preliminary enquiry either personally or through an ad-hoc fact finding person to know the genuineness of the allegation. Preliminary inquiry shall be completed within three days from the date of receipt of the complaint.
- b) Where the preliminary inquiry comes to the conclusion that the allegation of the commission of the sexual offence or maltreatment is *prima facie* made out or that there are strong indications to suspect the commission of the same, then the Chairperson shall forward the matter to the Protection Officer for further orders.
- c) When the Protection Officer sends back the matter to the Chairperson with a direction for further investigation and inquiry within two days of the receipt of the preliminary inquiry report, the IGC/ICC shall start its procedures according to this policy.

4.6.3 Proceeding before the Internal Grievance Cell/Internal Complaints Committee

- a) The IGC/ICC shall examine cases of sexual offences and maltreatment referred to them. It shall receive the complaint in writing.
- b) A notice containing the specific charges shall be given to the accused in writing fixing an appropriate date and time for the appearance of the accused directing him/her to submit a written reply.
- c) The notice shall be served to the concerned persons by hand or by courier or by Registered/Speed Post. The proof of service of notice should be kept as record.
- d) Where the accused fails to appear before the IGC/ICC on the given date and time, he/she may be given another chance to appear before the Cell on another appropriate date and time.
- e) The proceedings so commenced shall be duly informed to the victim or the complainant.
- f) No advocates are allowed in any proceedings before the IGC/ICC
- g) Further, the IGC/ICC shall direct the victim and the accused to submit their respective list of documents and witnesses.
- h) Thereafter, the IGC/ICC shall have one or more sittings as may be required and receive the documents submitted by both sides and take statements of witnesses on both sides and both sides shall be allowed to cross-examine the witnesses of opposite parties.
- i) If the victim/complainant is a child, the IGC/ICC shall make sure that the child does not come face to face with the accused. A screen may be placed between the accused and the child so that the child may not be frightened by seeing the accused for any oral examination like the cross examination.
- j) After the completion of the submission of documents, recording the evidence and cross-examination, the Internal Grievance Cell shall have one or more sittings and assess the documents and evidence and shall give its finding on the allegation against the accused.

- k) Such a finding shall be in the form of a report in writing giving reasons for their findings and recommendations in the report. It shall include the statements of both the victim and the accused, the evidence so recorded and the cross-examination of both the parities.
- l) The IGC/ICC shall submit its report and the finding with all the documents to the Protection Officer along with its recommendations of punishment/action.
- m) The inquiry and the entire proceeding before the IGC/ICC shall be completed within a period of fifteen days. However, this period can be extended depending on the nature and gravity of the offence.

4.7 DISCIPLINARY ACTION

Once the IGC/ICC submits its report to the Protection Officer, the Protection Officer has to decide the next course of action. The Protection Officer shall be assisted by the Advisory Council to take an appropriate action in the matter. The type of action will depend on the findings of the inquiry report of the Internal Grievance Cell and its recommendations. It may include the following;

- Warning letter
- Suspension with or without pay
- Withholding one time / all future increments or promotion
- Transfer/change of profession
- Termination of service
- Mandatory Reporting to the civil authorities

4.7.1 Where the Accused Is Found Guilty of the Offence

If the inquiry by the Internal Grievance Cell/Internal Complaints Committee comes to the finding that the said allegation of commission of an offence against the accused is proved, the Protection Officer shall take appropriate action depending on the nature and gravity of offence and damage caused to the victim. Where the accused is found guilty of a grave act of sexual offence, his /her services are terminated

immediately. If the offence calls for mandatory reporting to the police, the Protection Officer shall do the same as per the law.

4.7.2 Where the Accused Is Not Found Guilty

Where the accused person is found innocent, all charges are dropped and a note is made in his/her personal file to that effect. Complaints that are made maliciously or with *mala fide* intention shall warrant strict disciplinary action by the Protection Officer including a fine to the extent of Rs. 10000/- which shall be paid to the accused through the Protection Officer.

4.7.3 Right of Appeal

Aggrieved by the decision of the Protection Officer, the guilty may prefer an appeal to the Provincial/President for appropriate action within 30 days from the date of communication of such decision.

Where the victim feels that the decision of the Protection Officer is not fair and just, he / she may prefer an appeal to the Provincial for appropriate punishment to the guilty. An appeal may be made to the Provincial/President against the acquittal of the accused or fine imposed on the complainant.

The decision of the Provincial/President shall be final and binding on both the parties.

4.8 MAINTENANCE OF RECORDS

- a) The Protection Officer shall maintain a file in every case/matter it considers. Each file shall contain a written description of the matter presented to the Protection Officer, a written report of the investigation conducted, and the decisions/agreements/settlements arrived at in an individual case/matter.
- b) The Protection Officer is to ensure that all original material, evidence, reports on every case or matter it considers, is kept in a manner that ensures safety, confidentiality and availability for the future.

- c) The files are the property of the respective Registered Society/ Province. All records/documents, decisions/agreements/settlements pertaining to individual cases are kept confidential and shall be maintained by the concerned Registered Society/ Province.

4.9 INTERACTION WITH THE MEDIA

- a) If any case of abuse comes to the knowledge of the media, which will be probing the details of the case from various individuals and getting different versions, there is a need for appointing an official spokesperson for dealing with the media. The Provincial will appoint a spokesperson for all the campuses where IGC is constituted for this purpose.
- b) No member of the staff shall address the media about any matter in alleged abuse against a child or vulnerable adult, unless designated to do so.
- c) Appropriate response to a media query would be a simple 'no comment' and if necessary direct them to the designated media spokesperson of the respective campus.
- d) The designated media spokesperson appointed by the Provincial for each Campus will prepare press statements to be released periodically during an investigation and its conclusion wherever necessary.


4.10 EVALUATION AND MONITORING

- a) The Provincial of Andhra Jesuit Province will be committed to the ongoing monitoring and evaluation of the procedures and behavior protocols for the protection of children and vulnerable adults. The Provincial shall appoint a Jesuit or Jesuits from time to time to enforce and review its safeguarding policy.
- b) Every year, each CoA will undertake a risk assessment regarding the safeguarding policy and incorporate the mitigating measures as per the policy requirement.
- c) Once a year, there will be an opportunity for all members, staff and volunteers to partake in self-appraisal and peer appraisal to monitor the behavior of each other.

- d) Annual report of the evaluation conducted in each CoA with regard to compliance of this policy shall be submitted to the Provincial every year through the Protection Officers of each CoA.
- e) Every three years, the policy will be reviewed at the Province level by a committee appointed by the Provincial to enforce and review its safeguarding policy.

CHAPTER 5: CONCLUSION

What are stated in this policy are only bare guidelines to protect Children and Vulnerable Adults from any form of sexual abuse and maltreatment. What is more important is to spread awareness of the seriousness of sexual abuse and maltreatment among all the staff members, contractors, consultants and all other people who come in contact with us. Our first priority is to prevent any form of abuse of children and vulnerable adults in all our centers of activity. This policy emphasizes the need of protection of children and vulnerable adults in all our centers of activity from any form of sexual abuse and maltreatment. For that, the preventive mechanisms shall be used very carefully. The policy also gives guidelines as to how to go about in case any sexual abuse or maltreatment of children and vulnerable adults takes place in any of our centers of activity. It is not an all-inclusive and exhaustive procedure. Many a time, the nature or gravity of the offence alleged will determine the course of procedure that may be adopted. In grave matters appropriate legal advice and assistance need to be obtained by the authorities concerned as may be required. It is the bounden duty of every Staff to live an exemplary life so that no such allegation of the offence is made against the institute or its staff.


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ANNEXURES

ANNEXURE 1

Name of the complainant _____

Nationality _____

Address/ Contact Details _____

Voter ID/ Adhaar Card No. _____

Mobile No. _____ Age _____ Sex _____

Name of the Victim (If different from Complainant) _____

Nationality _____

Address/contact Details _____

Voter ID/ Adhaar No. _____ Age _____ Sex _____

Name(s) and Address of Parents/guardian, if under 18 _____

Has the Victim/Guardian given consent to the completion of this form? YES/NO

Date of Incident(s) _____ Time of Incident(s) _____

Location _____ Physical/Emotional State of the Victim (Describe any cuts, bruises, lacerations, behavior, mood etc)

Witnesses Names and Contact Information

Brief Description of Incident(s) (Attach extra Pages if necessary)

Name of the Accused Person(s) _____ Job title
of the Accused person(s) _____

Center of Activity in which the Accused Person(s) works

Address of the accused Person(s) (if known)

Age _____ Sex _____

Physical Description of the Accused Person(s)

Have the Police been contacted by the victim/guardian YES/NO
If yes, what happened

If No, does the victim/guardian want police assistance, and if not,
why

Has the victim been informed about the available medical treatment YES/NO
If Yes, has the victim sought Medical Treatment for the incident YES/NO If
Yes, who provided treatment? What is the diagnosis and Prognosis

Report Completed by

Name _____ Position/Organization

Date, Time, Location


Has the Complainant been informed about the Organization's
Procedures for dealing with such complainants? YES/NO

Signature/Thumb Impression of the Complainant

Received by: Name _____ Position _____

Signature _____

**ALL INFORMATION MUST BE HELD SECURELY AND
HANDLED STRICTLY IN LINE WITH THE APPLICABLE
REPORTING AND INVESTIGATION PROCEDURES OF THE
CENTER OF ACTIVITY.**


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ANNEXURE – 2
AFFIDAVIT

I. _____ (name),
s/o _____ (Father's/Husband's name)
aged _____ years, resident of _____

(Name of the village/muhalla /road no. and Post office, name of the Police station and district and state) do hereby solemnly affirm and declare as follows:

1. That I am an applicant to the post of _____ teacher/Project Officer in _____ (name of the institution/school/parish/social center etc.), and I have been selected for the same post.
2. That I know that being a teacher/Project Officer in the Institution, I have to deal with children as well as the female teachers/co-workers in the Institution and I am aware of the policy relating to the sexual abuse and sexual exploitation of the Institution to which I have been appointed.
3. That I shall behave with children and female colleagues with utmost respect and will not in any way behave in any sexually exploitative manner with them.
4. That in case of any allegation of misconduct is brought against me and it is found to be true, I may be dismissed from my present employment with immediate effect.

5. That I have not been accused in the past of any offences under Protection of Children from Sexual Offences (POCSO) Act, 2012, the Juvenile Justice (Care and Protection of Children) Act, 2015, The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act 2013 and any other sexual and/or violent crimes under any other Act for the time being in force.
6. That I have not been accused of Stalking, Voyeurism or Acid attacks by anyone.
7. That I have no criminal cases pending against me in any courts in India or elsewhere.
8. That I have not been convicted of any offences by any courts in India.
9. That I have read the contents of this affidavit and understood the same and they are true to the best of my knowledge and belief.

SWORN TO BEFORE ME

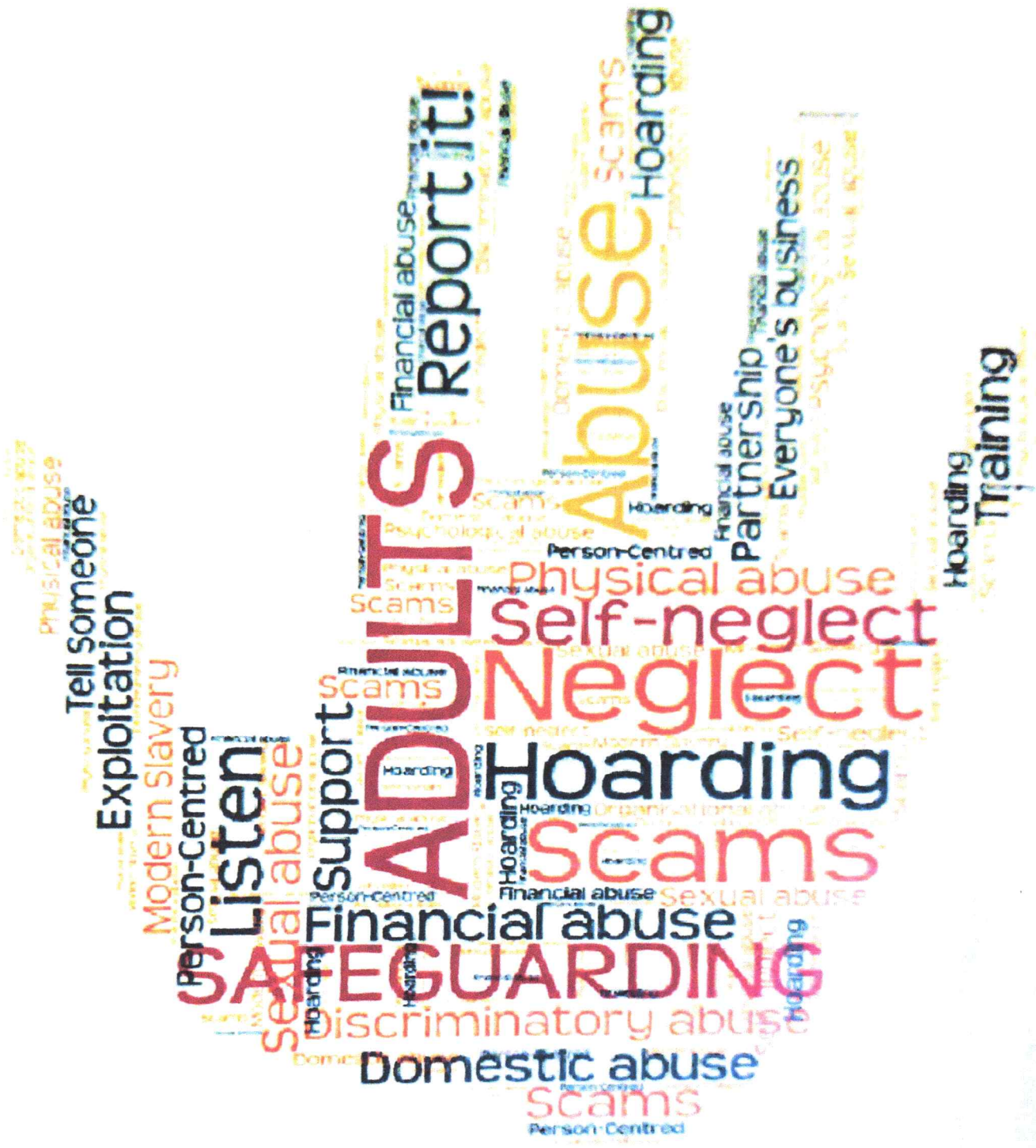
Deponent

Place:

Date:

Notary


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Provincial
 Andhra Jesuit Province
 Satyodayam, 12-5-33
 Vijayapuri Colony, South Lallaguda
 Secunderabad - 500017
 HYDERABAD, TELANGANA

for
 PRINCIPAL
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