

**SYRO-MALANKARA CATHOLIC CHURCH
EPARCHY OF PARASSALA**

**NORMS AND PROCEDURES OF THE SAFE ENVIRONMENT COMMITTEE
OF THE EPARCHY OF PARASSALA
NAPSEC - PARASSALA**

Preamble

Based on the various Ecclesiastical and Civil norms, the Catholic Bishops' Conference of India issued norms connected with providing a safe and healthy environment in the Church and Church related institutions and circumstances for children, vulnerable adults and women at work places. In the case of sexual abuse of minors, the Church has reiterated zero tolerance to the offenders. It has issued guidelines to constitute appropriate mechanisms with necessary infrastructure and time-bound procedures to deal with cases of sexual abuse, to respond with compassion and care to victims of sexual abuse, to make available to the victims professional care including therapy, counselling and to address the critical component of prevention.

Regional Catholic Bishops' Councils also issued directives for constituting an environment free of sexual abuses and harassments basing primarily on the guidelines of CBCI. Taking the spirit of these norms and directives, the Holy Episcopal Synod of the Syro-Malankara Catholic Church, gathered on 3rd March 2020, unanimously decided to adopt and incorporate the entire KCBC Guidelines for Safe Environment Programme for Church Personnel connected with institutions where minors or vulnerable adults are given particular care (published on 2nd June 2018 as the norm for Constituting Safe Environment in the Church with immediate effect). The Holy Episcopal Synod, met on 22 June 2020, approved these norms and requested the Major Archbishop-Catholicos to promulgate these Norms and Procedures for the Eparchial Safe Environment Programme for the Syro-Malankara Catholic Church on the feast of Ss. Peter and Paul.

In the light of NAPSEC - Malankara, a Safe Environment Committee is constituted for the Eparchy of Parassala. This Committee shall deal with cases involving sexual or any other form of harassment at workplace and shall deal with protection of children and vulnerable adults from sexual and any other forms of offences committed by Church personnel (namely, clerics, i.e., bishops, priests and deacons, lay workers, volunteers both paid and otherwise, religious both men and women who are serving in the institutions of the Eparchy of Parassala and seminarians). The following norms and procedure – NAPSEC – Parassala - are given to that purpose.

The procedural norms contained herein are based on the following legislative documents of the Catholic Church and the Government of India. These norms are based on the teachings of the Church on Human Dignity, Sexual Morality, Natural Ethics and Justice. Sources are given at the end of this document:

1. Various Canonical legislations of the Supreme Authority of the Catholic Church.
2. CBCI Procedural Norms for Dealing with Cases Involving Sexual Abuse of Minors, 2015, New Delhi
3. KCBC Gender Policy, POC, 2009.
4. CBCI Guidelines to Deal with Sexual Harassment at Workplace, New Delhi, 2017.
5. KCBC Guidelines for Safe Environment Programme, POC, 2019.
6. Protection of Children from the Sexual Offence Act 2012 (POCSO) issued by the Govt. of India (to protect children from sexual assault, sexual harassment, and pornography to ensure healthy, physical emotional and intellectual and social development of children) New Delhi, 2012.
7. Sexual Harassment of Women at Workplace Act 2013 issued by the Govt. of India (For the prevention and redressal of complaints of such harassments at workplace) New Delhi, 2013.
8. Juvenile Justice Act 2010 (JJ Act) issued by the Govt. of India (to deal with children in need of care and protection due to their conflicting life situation before the Law) New Delhi, 2010.

PART- I

PRELIMINARY

Section I: Title and Objectives

1. Title: These norms shall be called “Norms and Procedure of Safe Environment Committee of the Eparchy of Parassala” (hereafter called NAPSEC Parassala: NAPSEC in Syriac means ‘Your Soul’).

1.2 These norms apply to all Church personnel, parishes and institutions, as the case may be according to the definitions given in various documents quoted herein, within the Eparchy of Parassala.

2. The objectives of Committee are the following:

2.1 To implement the policy, given by the ecclesiastical as well as civil authorities, against harassment and abuse of any category committed against adults, children and vulnerable adults.

2.2 To remain as a permanent mechanism for the prevention and redressal of harassment cases and other acts of gender based violence and its cover ups in any form.

2.3 To ensure the implementation of the policy through proper handling of the complaints and their follow-up procedures.

2.4 To uphold the commitment of the Eparchy of Parassala to provide an environment free of discrimination where everyone may feel comfortable.

2.5 To promote a social and psychological as well as spiritual environment to raise awareness on harassment in its various forms.

Section II: Definitions

3. In these norms unless the context otherwise requires,
- 3.1. 'Safe Environment' means an environment where a person is free from sexual and any other sort of harassment and where one feels comfortable.
- 3.2. 'Minor' means any person under the age of eighteen, or who is considered by law (civil and ecclesiastical) to be the equivalent of a minor.
- 3.3. 'Vulnerable Adult' means any person in a state of infirmity, physical or mental deficiency, or deprivation of personal liberty, even occasionally, which limits his/her ability to resist or even understand the offence.
- 3.4. 'Child pornography' means any representation of a minor, regardless of the means used, involved in explicit sexual activities, whether real or simulated, and any representation of sexual organs of minors for primarily sexual purposes.
- 3.5. 'Church Personnel' means clerics (bishops, priests, deacons), members of the institutes of consecrated life, who are serving in the institutions of the Eparchy of Parassala, candidates to priesthood and religious life as well as other similar states of life, lay faithful who are employees or volunteers (*kaikkarans*, sacristans, accountants, catechists, catechism teachers, parish council members, office bearers of pious and other associations, similar office bearers, etc.) in the Eparchy of Parassala.
- 3.6. 'Sexual Harassment' means and includes any sexual advances, requests for sexual favours and other verbal expression or physical conduct of sexual nature (which may make a person feel offended, humiliated or intimidated), use and possession of child pornography, etc..
- 3.7. 'Cover up' means actions or omissions intended to interfere with or avoid civil investigations or canonical investigations, whether administrative or penal, against a Church personnel.
- 3.8. 'Safe Environment Director' is the one who is responsible for implementing the Safe Environment Programme in the Eparchy of Parassala and for ensuring adherence to its requirements. The Director is appointed by the Bishop of Parassala.
- 3.9. 'Safe Environment Committee' means the committee appointed by the Bishop of Parassala to assist the Safe Environment Director.
- 3.10. 'Complainant' means a victim, and if the victim is unable to make a complaint due to mental or physical incapacity or death, his/her legal heir or such other person as may be prescribed by law.
- 3.11. 'Respondent' means the Church personnel against whom a complaint has been made.

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

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

Section III: Jurisdiction

4. These norms and procedures would apply to:

4.1. Clerics (bishops, priests and deacons) belonging to and who have acquired canonical residence as per law in the Eparchy of Parassala.

4.2. Members of the institutes of consecrated life when they hold an office in the Eparchy of Parassala and when they reside in the parishes or the church related institutions in the geographical boundary of the Eparchy of Parassala.

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

4.4. Lay employees and volunteers like *kaikkars*, sacristians, catechism teachers, parish council members, office bearers of pious associations whenever they act in the capacity of Church personnel.

4.5. Service providers and outsiders who may be within the jurisdictional area of the Eparchy of Parassala at the time of commission of the act coming under the purview of these norms.

5. The Safe Environment Director has the duty to ensure that the internal complaint committee/redressal committee is formed and maintained in every Catholic institution in the Eparchy of Parassala (schools, colleges, hospitals and care homes, etc.).

PART II

CONSTITUTION AND FUNCTION OF THE NAPSEC - Parassala

Section I: Constitution of the NAPSEC - Parassala

6. The Committee shall consist of seven members (including the Director), who shall be appointed by the Bishop of Parassala. Of the seven members, there shall be one priest one religious sister, two lay men and two lay women.

6.1. The Director shall be a woman with adequate knowledge in Psychology and legal matters and its procedures, and is appointed by the Bishop of Parassala for a period of five years. The Director can be reappointed.

6.2. The office administrator, appointed by the Bishop, shall supervise and administer the day-to-day affairs of the office including maintenance of office files, records, viz., attendance register, case diary, case files, other document registers, etc.

- 6.3. Among the seven members, there shall be:
- 6.3.1. A counsellor/psychologist/ social worker.
- 6.3.2. A person preferably having previous experience in investigation and enquiry of cases and a person of good reputation.
- 6.3.3. A person having knowledge in canon law preferably a priest. The Eparchial Bishop may appoint him as office administrator / coordinator of the committee to facilitate the cases.
- 6.4. Depending on the necessity of each case, the Director may co-opt members and experts on an *ad hoc* basis with the consent of the Bishop.
- 6.5. The appointment of the members may be made for a period of five years which can be renewed.
- 6.6. Any member may be removed from this committee by the Bishop as his/her service is no longer available. At the same time, a member shall not be removed during the inquiry process of particular case.

Section II: Disqualification of the Committee Members

7. No person shall be appointed or allowed to continue to be a member of the Committee, if he/she is:
- 7.1. Declared insolvent by the court;
- 7.2. Lunatic or a person of unsound mind;
- 7.3. Convicted for an offence involving moral turpitude;
- 7.4. Involved in a misconduct amounting to immoral trafficking;
- 7.5. Convicted and punished in any criminal offence/s;
- 7.6. Facing any inquiry relating to sexual harassment or found guilty of sexual harassment; punished for any misbehaviour or misconduct;
- 7.7. Standing against the faith, teaching and morality and discipline of the Catholic Church or found a wilful defaulter of the Church laws. In such cases a documentary proof is enough for the Bishop of Parassala to terminate the membership of the person from the Committee.

Section III: Statutory Status of the NAPSEC - Parassala

8. **NAPSEC Parassala** is empowered to carry out the mandate of the policy. It enjoys statutory power as vested in a civil court under the Code of Civil Procedure, 1908 when trying a complaint in respect of the following matters:

- 8.1. Summoning and enforcing the attendance of any person (complainant/respondent/witness) and examining him/her on oath and recording the statements.
- 8.2. Demanding valid documents if any or to discover and produce valid documents.
- 8.3. Any other matter which may be prescribed for the true and authentic fact-finding process.

Section IV: Power and Duties of the NAPSEC - Parassala

9. The **NAPSEC Parassala** will be the sole authority in the Eparchy of Parassala to deal with any sort of harassment and abuse cases and the infringement of the safe environment policy promulgated by the Synod of Bishops of the Syro-Malankara Catholic Church.

10. The committee is invested with the following duties:

10.1. Ensure a safe and secure environment for minors and vulnerable adults in the faith communities within the Eparchy of Parassala. The committee shall:

10.1.2. Provide periodic safe environment training to the Church personnel in the Eparchy of Parassala. Orientation seminars shall be organized for the faithful to discuss the nature and extent of the sexual harassment of women at workplace, the protection of children and vulnerable adults from sexual offences, gender policy and juvenile justice Act and all related ecclesiastical and civil laws.

10.2. Issue certificates to the Church personnel who participate in the periodic training programmes and seminars and any other events organized by the Committee at the discretion of the Committee. The Bishop of Parassala with the help of the Chancellor, Secretary of the Presbyteral Council, Secretary of the Corporate Educational Agency, Provincial Superiors, etc., shall issue direction to Church personnel so that they may attend at least one such training programme. Such a certificate is essential for persons to be employed voluntarily or otherwise in the services and ministries in the Eparchy of Parassala. As far as possible within a span of three years all personnel in the Eparchy of Parassala are required to possess these certificates.

10.3. Help the victim with necessary aids to report the cases of sexual assault or harassment to the NAPSEC Parassala as well as the civil authorities.

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

10.5. Address the possibility of false accusations against Church personnel and try to prevent the same to the extent possible.

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

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

10.8. After the proper inquiry, offer written conclusion and recommend disciplinary action to the concerned authorities.

10.9. Recommend even to the intervention of the Syro-Malankara Catholic Church authority to provide legal assistance to the complainant if he/she chooses to file a civil complaint in relation to the offence under the Indian Penal Code or any other law in force at the time.

10.10. Recommend even to the intervention of the Syro-Malankara Catholic Church authority to provide medical assistance to the victim with the consent of the complainant or even without consent in such cases where the complainant is physically or mentally incapacitated to give his/her consent.

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

10.12. The Committee, while being strict to the offender and taking all measures ecclesiastically and civilly to bring the culprit to the law, must be concerned about the conversion of the offender as a gesture of helping the lost sheep to convert.

Section V: Meetings of the Committee

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

11.1. The Director shall convene a meeting at the request of the majority of the total members of the Committee within 15 days.

11.2. The quorum for the meeting of the Committee shall be 2/3 of its members, and if the quorum is not complete in the scheduled time, it shall be adjourned for half an hour and the requirement of quorum seizes and thereafter, the meeting shall proceed with majority of its members.

11.3. All decisions in the meeting will be taken through consensus of the members of the Committee present in the meeting. In case of any disagreement among the members regarding final decision, a simple majority vote prevails.

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

PART III
PROCEDURAL NORMS

Section I: Procedure for Filing a Complaint

12. Any person/employee, male or female (hereinafter mentioned as the ‘Complainant’) shall have the right to file a complaint concerning any harassment and gender discrimination against Church personnel (hereinafter mentioned as the ‘Respondent’). All complaints shall be addressed to the Director of the Committee.

12.1. The complaint should be written and filed as far as possible immediately after the incident, but not later than 3 months from the date of the incident. In case of a series of incidents, the complainant should file a case within a period of 3 months from the date of the last incident. The committee may extend the time limit, if it is satisfied to find that the circumstances prevent the complainant from making a written complaint.

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

12.3. All complaints shall be in writing. The complainant may avail the assistance of the Safe Environment Committee Director or any of its members to prepare the complaint in writing.

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

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

Section II: Preliminary Investigation

13. Within a period of 7 working days from the date of reception of the complaint, the Director shall convene a meeting of the committee to deal with the complaint and make a preliminary inquiry/fact finding inquiry to verify the facts of the complaint. An inquiry Committee shall be constituted if the complaint is found genuine and if upon the wish of the complainant, the respondent is not ready for reconciliation.

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

13.2. When a settlement has been arrived through reconciliation, the Director shall record the settlement so arrived and forward the same to the Bishop of Parassala.

13.3. The Director shall provide the copies of the settlement as recorded to the complainant and the respondent.

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

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

13.6. Where the aggrieved person informs the Committee that the terms of settlement arrived under 13.2 has not been complied with by the respondent, the Committee makes an inquiry and forwards the complaint to the concerned authorities.

13.7. If the case falls under POCSO, the Director shall report the matter to the police straightaway as per the norms. At the same time, the Committee shall report the case to the Bishop of Parassala who will report the matter to the Congregation for the Doctrine of Faith.

Section III: Constitution of the Inquiry Committee

14. The Inquiry Committee will be a part of the main Committee with the following criteria:

14.1. The Director in consultation with the other members of the NAPSEC - Parassala shall constitute an inquiry committee.

14.2. The Director shall constitute the inquiry committee with a chairperson through a formal act and in writing.

14.3. The inquiry committee may consist of a minimum of five members. If a woman is the victim in a particular case, the chairperson and the majority of the committee members shall be women. In case a man is the victim, the majority of the members could be men except the chairperson.

Section IV: The Inquiry Process

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

15.1. Within seven days of the starting of the inquiry process, the inquiry committee shall summon the respondent and read out the content of the complaint to him/her. The respondent has no right to record, copy or get a copy of the complaint. The reply of the respondent shall be recorded by the committee and he/she shall be allowed 15 days for further defence or clarifications. In case the complainant has any additions to make to the complaint filed earlier,

he/she can submit a statement to that effect in fifteen days. The replies may also include answers to a list of questions that the party demands the inquiry committee to ask the other party or its witnesses.

15.2. Within seven working days of the receipt of the replies and defence and the answers to questions, the inquiry committee shall start the process of an oral hearing.

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

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

5.5. The inquiry committee shall have the power to ask any questions that it deems fit to all parties during the oral hearing.

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

15.7. The inquiry committee may also call upon additional witnesses and ask them any questions that it may deem fit.

15.8. The inquiry committee may request the concerned authorities for any documents pertaining to the complaint, if that is within the limits of law.

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

15.10. When it is necessary to find out the facts, the inquiry committee may consider relevant any earlier complaints against the respondent. However, at no time in the inquiry process shall the past sexual history of the complainant be probed into.

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

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

Section V: Withdrawal of Complaint

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

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

Section VI: Disciplinary Actions

17. At the conclusion of the inquiry process, the Committee may recommend disciplinary action in its report to the Bishop. Recommendation of disciplinary action by the Committee could depend on factors such as the nature and extent of injury caused to the complainant, the impact of the violation on the institution as a whole, the position of the harasser in the hierarchy, the repetition of offences and similar factors.

17.1 The Committee may recommend disciplinary action in the form of warning, written apology, bond of good behaviour and other relevant mechanisms as prescribed either in the Church laws or in the civil laws.

17.2 The Committee is strictly prohibited from publishing the report as well as the recommendations either partially or fully through any means of communication.

Section VII: Redressal

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

18.1. The Bishop of Parassala upon receipt of the inquiry report may implement the disciplinary action on the basis of the recommendations of the Committee within 30 days.

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

18.3. In case the complaint is not proved, the Committee shall recommend that no action may be required in the matter. However, mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant.

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

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

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

18.7. The victim of sexual harassment/complainant may have the option to seek adjustments such as change of the room/location of the office room, change of the quarters, etc.

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

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

Section VIII: Appeal

19. The aggrieved party has the right to appeal against the recommendations made by the Committee. The aggrieved party may appeal to the Appellate Safe Environment Committee of the Syro-Malankara Catholic Church within ten working days from the receipt of definitive conclusion of the case.

Section IX: Amendments

20. These norms and procedure will be suitably amended as per the modifications in the prevailing laws.

20.1 The Major Archbishop-Catholicos of the Syro-Malankara Catholic Church in the Synod, upon the request or proposals of the Committee may amend these norms and procedures from time to time after hearing the concerned persons and bodies in the Church.

Sources

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

1. The Norms of the *Motu Proprio* “Sacramentorum Sanctitatis Tutela” with its latest updates in December 2019.
2. Apostolic Letter “As a Loving Mother”, 2016.
3. *Motu Proprio* “Vos estis Lux Mundi”, 2019.
4. Procedural Norms for Dealing with Cases Involving Sexual Abuse of Minors (Catholic Bishops Conference of India, 2015).
5. Gender Policy (Kerala Catholic Bishops’ Council, 2009).
6. Guidelines to Deal with Sexual Harassment at workplace (CBCI, 2017).
7. Guidelines to Deal with Sexual Harassment at workplace (KCBC, 2017).
8. Guidelines for Safe Environment Programme (KCBC, 2019).
9. Protection of Children from the Sexual Offence Act 2012.
10. Sexual Harassment of Women at Workplace Act 2013.
11. Juvenile Justice Act 2010.