



DIOCESE OF FALL RIVER
MINISTERIAL REVIEW BOARD POLICY

1. Purpose

1.1 The Diocesan Ministerial Review Board (MRB) is established in accordance with the *Charter for the Protection of Children and Young People and the Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*. The MRB shall serve as a confidential, advisory, consultative body to advise the Bishop regarding alleged misconduct by clergy, regardless of when that misconduct is alleged to have occurred, including misconduct relating to the sexual abuse of a minor or vulnerable adult as well as other forms of misconduct. The MRB shall provide its expertise and assistance as requested, or as it deems appropriate, with developing policies and appropriate mechanisms to further ensure the protection of minors and vulnerable adults.

1.2 At all times, the MRB shall be free to carry out its responsibilities within the authority granted to it herein and in accordance with the *Charter for the Protection of Children and Young People and the Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*.

2. Membership and Composition

2.1 The MRB shall be made up of at least five (5) members, with at least five (5) persons who are in full communion with the Church, and the majority of whom will be lay persons who are not in the employ of the Diocese.

2.2 Membership shall include an experienced priest of the Diocese and a lay person with professional experience in the treatment or investigation of sexual abuse of minors. Membership may also include persons with experience or training in ministry, law, victimization, health care, mental health treatment, law enforcement, jurisprudence, human resources, business, management, education or other relevant fields. All members must be of outstanding integrity and good judgment.

2.3 The Diocesan Director of Professional Standards and Oversight shall be designated as the Bishop's Delegate with respect to Ministerial Review Board matters.

2.4 The Bishop shall consult with members of the MRB, the Delegate and the Victim Assistance Coordinator (VAC) to identify candidates for a vacancy on the MRB whom he shall appoint to the Board.

2.5 Members are appointed by the Bishop. The Bishop and the Delegate shall meet with members to prepare them for their duties. The Bishop or the Delegate may designate the role of each member and shall name one of its members to function as Chair. The Chair will facilitate the organization of the MRB meeting. The Chair will in turn recommend a member of the board to the Bishop to be appointed as a Vice-Chair to assist when the Chair may be temporarily unavailable for his or her duties as Chair.

2.6 The members will receive a letter of appointment from the Bishop for a term of office for five years, (5) which term is renewable. In his discretion, the Bishop may make appointments for terms of less than five (5) years.

2.7 Members are expected to provide objective judgments regarding matters before the MRB and to attend meetings, either in person or via teleconference, videoconference or other suitable means. A member's frequent absence from MRB meetings may result in the Chair or the Delegate recommending that the Bishop replace such member.

2.8 All members will submit a CORI Acknowledgement Form to the Diocese for a criminal background check, complete the Diocesan safe environment training and sign a code of conduct. Members will also enter into a confidentiality agreement and an indemnification agreement with the Diocese.

2.9 Members must maintain strict confidentiality about MRB matters.

3. Promoter of Justice

3.1 The Promoter of Justice should be available for all scheduled meetings of the MRB. The Promoter of Justice is not a member of the MRB but may attend meetings for the purpose of safeguarding the integrity of the process in matters relating to canon law, particularly if requested to attend by the MRB.

4. Other Participants

4.1 With the consent of the Bishop, the Delegate or Chair may designate others to participate in the MRB process as necessary or appropriate. Such participants shall have a voice in the meetings of the MRB but shall not have a vote regarding any recommendations of the MRB.

5. Meetings

5.1 The MRB shall have regularly scheduled meetings. The Bishop, the Delegate and the Chair have the authority to continue, suspend, cancel or schedule additional meetings as necessary, including convening emergency meetings.

5.2 The deliberations of the MRB will be strictly confidential and only summary minutes shall be taken at each MRB meeting. Such minutes shall be retained and filed by the Delegate and shall include:

- (1) date and times of meetings;
- (2) identification of all attendees;
- (3) a listing of agenda items;
- (4) a brief summary of any advisory assessments on clergy; and
- (5) a brief summary of consultation by the board on any other matter.

5.3 Any documents provided regarding cases presented to the MRB will be returned to the Delegate at the conclusion of the meeting for the privacy of all individuals involved.

6. Review Process

6.1 Reporting to civil authorities must be made in accordance with civil law. The Diocese shall cooperate fully with civil authorities in any investigation.

6.2 The MRB is not an investigatory body. It is a confidential, advisory, consultative body that advises the Bishop regarding alleged misconduct by clergy, including misconduct relating to the sexual abuse of a minor or vulnerable adult as well as other forms of misconduct.

6.3 Allegations of sexual abuse of a minor or vulnerable adult which are presented to the MRB must be considered in accordance with the *Charter for the Protection of Children and Young People* and the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*.

6.4 The MRB will receive from the Bishop or his designee a complete written record of the allegations made against a priest or deacon, which may include transcripts of the interviews of the alleged clergy and victim(s) and any information pertinent to the allegation from the priest's or deacon's personnel file. The priest, deacon and victim(s) will be informed when the allegations are presented to the MRB.

6.5 The MRB will be required to assess the credibility of the allegations, specifically whether the allegation has a "semblance of truth" under canon law, using a standard of proof approximating probable cause, and whether the allegations conform to the definition of sexual abuse of a minor as outlined in the policy developed and adopted by the Diocese of Fall River and/or whether the allegations conform to the definition of Ministerial Misconduct as outlined in the policy developed and adopted by the Diocese of Fall River.

6.6 In each case where a priest or deacon have been found not guilty of criminal conduct by civil authorities, or have been investigated by civil authorities without prosecution, the Diocese shall make an independent inquiry and a determination with respect to any allegation against the priest or deacon as well as his fitness for ministry.

6.7 After receiving the complete written record, the MRB shall deliberate in private, with only the members of the MRB present unless the MRB requests the attendance of some other person during their deliberations.

6.8 For matters under its consideration, the MRB reviews allegations, considers evidence, evaluates the validity of allegations, and offers advice and recommendations, as appropriate, to the Bishop. The MRB's recommendations may relate to a priest or deacon's suitability for ministry and may include restrictions, supervision or other suggested actions. Prior to offering recommendations, the MRB may request additional information. The MRB may advise on all aspects of matters under its consideration, whether retrospectively or prospectively.

6.9 In assessing a priest or deacon's suitability for ministry, the MRB may consider any factors it deems appropriate, including the following:

- (1) nature and severity of misconduct/behavior,
- (2) type of actual harm,
- (3) duration of misconduct/behavior,
- (4) recurrence of misconduct/behavior,

- (5) effect of misconduct on others,
- (6) likelihood of future harm,
- (7) self-awareness/honesty,
- (8) acceptance of responsibility/remorse,
- (9) corrective actions taken/proof of rehabilitation,
- (10) amenability to changing behavior,
- (11) mental health/psychological evaluation,
- (12) current support system,
- (13) future community impact,
- (14) cooperation in any diocesan process and/or plan proposed.

7. Recommendations

7.1 The MRB shall make recommendations regarding the matters before them using a form substantially similar to the one attached as Exhibit A, which the Delegate shall deliver to the Bishop. Those findings and recommendations may be, (but are not required to be), expanded upon in a written report produced by the Chair to the Bishop. The Chair will confer with the Bishop and present his written report and the conclusion of the MRB. The MRB will also receive a copy of the Chair's written report.

7.2 After considering the advice and recommendations of the MRB, the Bishop shall determine what further processes or actions, if any, are to be undertaken to resolve the misconduct allegation and any related issues.

7.3 The Bishop has final decision making authority. Upon the Bishop's decision, the Delegate shall advise members of the MRB of the final action by the Diocese in each case.

Approved and Adopted on this 21st day of July in the year 2020.



Most Reverend Edgar M. da Cunha, S.D.V., D.D.
Bishop of the Diocese of Fall River



EXHIBIT A
Ministerial Review Board

In the matter of _____,

After considering the allegations of the information before us, the Ministerial Review Board

_____	Finds that the allegations DO have a Semblance of Truth and recommends that the Bishop so find.	By a vote of _____ to _____
_____	Find that the allegations DO NOT have a Semblance of Truth and recommends that the Bishop so find.	By a vote of _____ to _____
_____	Is unable to come to a decision and requests further information and/or investigation.	By a vote of _____ to _____

NOTES: _____

In light of the above finding, and as to the question of suitability of the priest for future ministry, the Ministerial Review Board recommends:

Respectfully submitted by:

Dated: _____

Print Name: