

DIOCESAN REVIEW BOARD

of The Diocese of Beaumont

(Rev. 10-30-03)

RESPONSIBILITIES:

In accord with the USCCB Norms, #4, the diocese has established a Diocesan Review Board (hereinafter, DRB) which will function as a confidential consultative body to assist the Bishop in discharging his responsibilities of assessing allegations of sexual abuse of a minor by church personnel and determining suitability for ministry or service.

Composition and Functions:

The DRB shall be composed of persons with outstanding integrity, good judgment, and competence to carry out investigations. It shall consist of the Vicar General and the Chancellor as ex officio members, and no less than five (5) lay members, men and women, who are not in the employment of the diocese. All but one lay member must be active Catholics in full communion with the Church. The members must have competence in fields such as, but not limited to, law, law enforcement, psychiatry, psychology, counseling, and social work.

Of the total membership, at least one member should be a priest who is an experienced and respected pastor of this diocese, one member a canonist, and at least one member must have particular expertise in cases of sexual abuse of minors. The DRB may utilize consultants in a particular case as the need arises.

Members of the DRB shall be appointed by the Bishop for a term of five (5) years, which can be renewed. Initial appointments are arranged so that terms will be staggered.

The DRB, as a consultative body, shall be directly responsible to the Bishop and shall not be accountable to other officials of the diocese, except as may be necessary for the efficient administration of its business. The DRB will establish its own internal rules and procedures which are consistent with the USCCB Charter and the Norms, and it will decide the place and frequency of meetings. None of the members shall receive compensation for their services but shall be reimbursed for expenses. As a consultative board, all matters considered and discussed and all information presented to the DRB shall be maintained in confidence by the members. All contact with the media and all inquiries from the public regarding an alleged incident of sexual abuse of a minor will be handled by the Bishop or the Vicar General.

The functions of the DRB shall be:

- 1) to review and assess allegations of sexual abuse of minors (those currently minors or adults who allege they were abused as a minor) by church personnel thoroughly and expeditiously and to submit a written statement of findings and specific recommendations to the Bishop;

In the case of a cleric, the findings are to indicate whether there is a strong probability that a canonical offense has been committed and, thus, probable cause to proceed with a penal procedure. The determination of the existence of a delict with moral certitude and the infliction of any penalty are the tasks of a subsequent canonical penal process.

- 2) to make recommendations concerning withdrawal (administrative leave) of the alleged offender from ministerial duties, employment responsibilities, or volunteer service while the investigation continues;

In instances where the accused is a cleric or religious, all recommendations and actions of the DRB shall be in accordance with applicable norms of canon law.

- 3) to determine whether further action is warranted and suggestions as to such action if the conduct of the accused does not constitute sexual abuse but is otherwise inappropriate;
- 4) to make recommendations, if the accused has been withdrawn from ministry, employment or service pending investigation, concerning return to ministry in particular cases or continuation of employment or volunteer service once the investigation is completed and a determination is made and what restrictions, if any, should be imposed if the individual is reinstated;
- 5) to offer advice on all aspects of these cases, whether retrospectively or prospectively;
- 6) to review diocesan policies and related procedures for dealing with allegations of sexual abuse of minors at least every two years in order to recommend any modifications, where appropriate; to review its own internal rules and procedures and modify as needed.

The DRB shall meet at least semi-annually and as often as it deems necessary to carry out its responsibilities. Ad hoc consultants may attend the meetings upon invitation by the chairperson. The meetings shall reflect the pastoral character of this process which is consultative and advisory, not adversarial and adjudicative.

Processing an Allegation:

Upon completion of the initial review, the Vicar General will notify the chairperson of the DRB, who will convene the Board as soon as possible to begin its preliminary review, unless the accused has already admitted to the alleged sexual abuse or the facts regarding a legal violation are notorious.

In the case of a cleric, if the initial review provides information which at least seems to be true of a delict, the Bishop will initiate by decree a canonical preliminary investigation which will be in harmony with canon law and will be conducted promptly and objectively (c. 1717). The Vicar General or another priest appointed by the Bishop will be the designated canonical investigator, with the DRB advising him. The Vicar General may utilize other professionals to assist him. The accused cleric cannot be compelled or coerced to admit an offense, and an oath may not be administered to the accused (c. 1728 §2). All appropriate steps shall be taken to protect the reputation of the accused during the investigation. The accused cleric will be encouraged to retain the assistance of civil and canonical counsel and will be

promptly notified of the results of the investigation (USCCB Norms, #6). The cost of such legal assistance will be borne by the cleric. The cleric and his canonical advocate will be informed of the material that will be presented to the DRB.

The DRB will review the report of alleged sexual abuse, the response of the accused, and the Chancellor's summary report of the personnel file of the accused.

Depending on the circumstances of each individual case and the seriousness of the allegation, the DRB will make recommendations to the Bishop concerning the withdrawal of the accused from ministerial duties, employment responsibilities, or volunteer service while the investigation continues, unless circumstances have already necessitated immediate withdrawal.

If the person accused is a lay employee, that person will be placed on administrative leave with pay and benefits, pending conclusion of the investigation and final determination. In the case of a volunteer, the individual's services will be temporarily discontinued.

The circumstances in each instance will determine which course of action or combination of actions the DRB will pursue. Individual circumstances may prescribe a course of action at variance with these procedures. Actions that are exception to these procedures will be documented and will include a statement setting forth the circumstances requiring the variance and the actions taken in place of those prescribed in these policies.

After consultation with civil authorities, the DRB may decide to delay its proceedings so as not to interfere with a criminal investigation that may be underway. Documentation reflecting action taken by public authorities or court proceedings will also be reviewed by the DRB before making its final report to the Bishop. In some cases, the investigation by civil authorities and the resulting court decision may preclude the ecclesiastical preliminary investigation.

The DRB may choose to meet with the person(s) making the report, if the person is willing to do so, and with the accused. Each will be permitted to bring another person to the interview, but this other person may not be civil legal counsel.

The DRB shall meet in closed session as soon as possible following the completion of the investigation. The DRB will determine if the evidence is credible and whether the findings show probable cause that the alleged abuse has been committed by the accused. A report of the findings will be forwarded to the Bishop to assist him in making his determination. This report may indicate whether the allegation is false and not factual, whether the allegation can neither be proved nor disproved, or whether the allegation is supported by sufficient evidence to show probable cause.

At the Bishop's request, the DRB or the Chairperson shall meet with the Bishop to respond to any questions he may have or to provide additional information before he makes his determination about the next step to take. As authorized by the Bishop, the DRB may also provide any assistance requested by the diocesan attorney.