



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 Polices Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* (The Charter). The MRB shall serve as a confidential advisory, consultative body to advise the Bishop regarding allegations of sexual abuse of a minor by clergy, regardless of when that abuse is alleged to have occurred. Recognizing that sexual abuse of a minor is not the only behavior which can break trust and cause harm to the faithful, the Diocese takes seriously other forms of misconduct by clergy and the Bishop may engage the expertise of the MRB to advise him on other allegations of serious misconduct by clergy. The MRB shall provide its expertise and assistance as requested, or as it deems appropriate, with developing policies and 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 Polices 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 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 Bishop shall appoint a Delegate to the MRB who will be his liaison to the board but who will not be a member of the MRB. The Delegate will ensure that clergy abuse or misconduct cases are properly and thoroughly investigated before they are presented to the MRB.

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, the Delegate and the VAC 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 judgements regarding matters before the MRB and to attend meetings, either in person or via teleconference, videoconference, or other suitable means. The MRB shall adopt and comply with a Conflict-of-Interest policy that is consistent with this Policy and will demonstrate their ability to provide objective judgement in the matters before them. 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 prior to their appointment and as required thereafter 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 Continuing education on trauma, abuse dynamics, and/or best practices in abuse and misconduct investigations shall be provided to members at least once per year.

2.10 Members must maintain strict confidentiality about MRB matters.

3. Meetings

3.1 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.

3.2 Meetings of the MRB will be strictly confidential and only summary minutes shall be taken during the business portion of 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 steps taken by the Bishop with respect to cases in which the MRB has made recommendations; and
- (5) a brief summary of consultation by the board on any other matter.

3.3 The deliberations of the MRB regarding specific cases of alleged clergy abuse or ministerial misconduct shall take place privately in executive session as provided in Section 6.7. No minutes shall be taken during such sessions. 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.

4. Promoter of Justice

4.1 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, if requested to attend by the MRB.

5. Other Participants

5.1 With the consent of the Bishop, the Delegate or Chair may designate other persons to participate in the MRB process as necessary or appropriate. Such persons may participate in the business portion of an MRB meeting and may provide input that may be of assistance to the MRB during its deliberations. Such persons will not attend the deliberations of the MRB that are conducted in executive session and shall not have a vote regarding any recommendations made by the MRB.

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 accused 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 in which a priest or deacon has 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 relative to 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.

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 and capacity 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 MRB and delivered to the Bishop by the Delegate. The members of the MRB similarly will receive a copy of the written report. The Chair will confer with the Bishop regarding the advice and recommendations of the MRB.

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 27th day of April in the year 2023.



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 requires 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 on behalf of the MRB by:

Dated: _____

Print Name: