



Protocol No. 2017-407

# Archdiocese of Agaña

## Policy for the Independent Review Board

### **Introduction**

The policies of the Independent Review Board (hereafter “Board”) of the Archdiocese of Agaña are intended to fully comply with the revised “Charter for the Protection of Children and Young People” (hereafter “Charter”) and the revised “Essential Norms for Diocesan/Eparchial policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons” (hereafter “Essential Norms”). The policies of the Independent Review Board of the Archdiocese of Agaña will be updated in accordance with any revisions, amendments or other modifications to the Charter or the Essential Norms or any other applicable document subsequently approved by the United States Conference of Catholic Bishops, and adopted by the Archbishop of Agaña.

The Independent Review Board shall function as a confidential consultative body to the archbishop, advising the archbishop:

1. in his assessment of allegations of sexual abuse of minors, offering advice on all aspects of these cases, whether retrospectively or prospectively;
2. in his determination of suitability for ministry of clergy, employees or volunteers; and
3. in reviewing archdiocesan policies for dealing with the sexual abuse of minors. (Charter, Article 2; Essential Norm 4.)

### **I. Independent Review Board**

#### **A. Membership of Board**

1. The Archbishop of Agaña shall appoint the members of the Board. The term of appointment will be for five years and may be renewed by the archbishop.

2. The Board is to be composed of at least nine voting members who are persons “of outstanding integrity and good judgment in full communion with the Church” (Essential Norm 5). The majority of the voting members of the Board must be lay persons. At least one member must be “a priest who is an experienced and respected pastor” (Essential Norm 5); however, it is recommended that there be two members who are priests who are experienced and respected pastors. At least one member must have “particular expertise in the treatment of the sexual abuse of minors” (Essential Norm 5); however, it is recommended that there be at least two members who have particular expertise in the treatment of the sexual abuse of minors.
3. The Promoter of Justice will serve as an *ex officio*, non-voting member. It is desirable that the Promoter of Justice attend and participate in regular and special meetings of the Board.
4. The archbishop may remove any member of the Board on his own initiative or at the request of the chair. Any vacancy in the membership of the Board shall be filled by the appointment of a new Board member by the archbishop.
5. The archbishop will select one member to serve as chair and the Board will select one member to service as vice-chair and one member to serve as secretary. The chair, vice-chair and secretary will serve three-year terms and may be re-selected.

**B. Schedule of Meetings**

1. The Board will schedule regular meetings at least quarterly.
2. Special meetings will be convened by the chair when necessary to carry out the responsibilities of the Board that cannot be addressed appropriately or in a timely manner at a regularly scheduled meeting.
3. All formal meetings of the Board must be conducted at the administrative offices of the archdiocese or in another appropriate facility of the archdiocese.
4. Formal actions of the Board must be conducted in regularly scheduled or special meetings with a quorum of members present. At least half of the members plus one, present at a meeting, establish a quorum for the conduct of business. The chair may require a larger quorum and/or the attendance of members with specific expertise whenever the chair deems it appropriate.

**C. Purpose of Quarterly Meetings**

1. The Board will review the status of any open investigation and disposition of allegations of sexual abuse of a minor by clergy, employee or volunteer.
2. The Board will review any modifications or amendments to the Charter or to the Essential Norms promulgated by the United States Conference of Catholic Bishops.
3. The Board will review current policies and procedures of the Archdiocese at least annually to assure full compliance with the current Charter and Essential Norms. Specific policies to be reviewed include:
  - (a) Archdiocese of Agaña Policy on the Protection of Children and Young People from Sexual Abuse
  - (b) Archdiocese of Agaña Safe Environment Program

(c) Archdiocese of Agaña Policy for the Independent Review Board

**D. Proceedings of Meetings.**

Minutes of the proceedings of all meetings must be recorded by the secretary of the Board.

1. All records of the Board will be kept by the Chancellor in a secure, locked filing cabinet under his control, in the administrative offices of the archdiocese.
2. All records must be kept confidential.
3. Records designated as confidential must not be accessible except as provided in canon law, civil law or applicable policies of the archdiocese.
4. Members of the Board are not to remove any minutes of proceedings, or documents, records or other materials related to any investigation of sexual abuse, from the administrative offices of the archdiocese. The Chancellor is to maintain a lockbox at the meeting place of the Board so that minutes of proceedings, or documents, records or other materials related to any investigation, can be secured by members at the conclusion of each meeting. Only the secretary of the Board may remove materials from the administrative offices of the archdiocese, only as necessary to prepare minutes of meetings, and only for a reasonably short period of time.

**E. Compensation**

1. Board members agree to serve without compensation.
2. In accordance with applicable archdiocesan policy and at the discretion of the archbishop or his designee, Board members may be reimbursed for extraordinary travel, lodging, meals or other expenses when such expenses are incurred as part of their services to the archdiocese as a member of the Board.

**II. Independent Review Panel**

**A. Duties of the Board in the Investigation of an Allegation of Sexual Abuse**

1. When the archdiocese has found it necessary to investigate an allegation of sexual abuse of a minor by clergy, employee or volunteer, whether or not the alleged victim is still a minor, the chair shall convene an Independent Review Panel (hereafter "Panel") made up of members of the Board as soon as possible.
2. The Panel shall be composed of at least five voting members chosen from among the voting members of the Board. The majority of the voting members of the Panel must be lay persons. One member must be a priest and at least one member must have particular expertise in the treatment of the sexual abuse of minors.
3. The Promoter of Justice will serve as an *ex officio*, non-voting member of each Panel. It is desirable that the Promoter of Justice attend and participate in all meetings of the Panel.
4. Once empaneled, the voting members will choose one member to serve as chairperson of the Panel and one member to serve as secretary of the panel. The proceedings of meetings of the Panel shall comply in all respects with Article 1, D, above.

5. The Panel must not conduct the investigation nor assist in the investigation in any way that might compromise the Panel's ability to objectively review the findings of the investigation or to assist the archbishop in evaluating the evidence or proof gathered by the Investigation Team. However, the Panel may meet with the Investigation Team and may request that additional information be gathered, in accord with Article 2, B, 3, below.
6. The Panel shall meet as soon as possible following the completion of the investigation to review the results of the investigation.

**B. Review of the Results of the Investigation**

1. In reviewing the report and the conduct of the investigation, the Panel will assure the following:
  - (a) That the accused is under the jurisdiction of the archdiocese.
  - (b) That the alleged victim was under the age of 18 or habitually lacked the use of reason 19 at the time of the alleged incident. See definition of sexual abuse of a minor in Policy on the Protection of Children and Young People from Sexual Abuse.
  - (c) That the investigation took appropriate steps to protect the rights of all parties involved particularly those of the person claiming to have been sexually abused and of the person against whom the charge is made.
  - (d) That the accused has been assumed to be innocent during the investigation.
  - (e) That the conclusions of the investigation are clearly stated and all evidence provided by each party has been fairly and objectively considered in reaching the conclusions.
  - (f) That archdiocesan policies and procedures consistent with the Charter and Norms have been appropriately developed and applied.
2. The Panel reviews the report and makes a recommendation to the archbishop as to:
  - (a) The adequacy of the investigation;
  - (b) The credibility of the accusations;
  - (c) The credibility of the accuser;
  - (d) The credibility of the accused;
  - (e) The credibility of the witnesses; and
  - (f) The measures to be taken regarding the accused.
3. If the Panel determines that the investigation is inadequate, the Panel will advise the archbishop that the case is being returned to the Investigation Team for further investigation.
4. The alleged offender may be requested to seek, and may be urged to voluntarily comply with, an appropriate medical or psychological evaluation at a facility mutually acceptable to the archdiocese and to the accused. Essential Norm 7.

**C. Report of the Panel to the Archbishop**

1. The Panel will specifically advise the archbishop of its findings concerning, but not necessarily limited to, the following:

- (a) Whether there is substantial, credible evidence that a minor was sexually abused by a clergy, employee or volunteer, or whether there is substantial, credible evidence that a clergy, employee or volunteer engaged in inappropriate conduct.
  - (b) Of their assessment as to the priest, deacon or lay person's suitability for ministry in light of the investigation of sexual abuse.
2. The specific advice offered to the archbishop will consist of those points agreed upon by the majority of the voting Panel members present at the meeting.
  3. Any specific opinions held by a minority of members that differ from the majority opinion will be clearly stated in the report to the archbishop.
  4. The report of the Independent Review Panel to the archbishop is confidential.
  5. The Panel may meet with the archbishop at any point during the process at the request of the archbishop or the Panel.

**D. Canonical and Civil Counsel**

1. At any point in the process the Panel may seek advice and guidance from the diocesan general counsel and/or canon lawyers.
2. The diocesan general counsel and/or canon lawyers advising the Panel may be invited to attend any meetings and proceedings of the Panel including review of the investigation, final deliberations to prepare the report to the archbishop, or meetings with the archbishop.

**III. Approval**

Approved and given at the chancery of the Archdiocese of Agaña on the eighteenth day of October in the year of our Lord, two thousand seventeen.



Most Rev. Michael J. Byrnes, D.D.  
Coadjutor Archbishop of Agaña

Attested by:



Rev. Fr. Melchor T. Camina  
Chancellor