

Diocese of Lexington

Diocesan Review Board By-Laws

1.0 Mission of the Board

The Diocese of Lexington shall have a Diocesan Review Board (hereinafter DRB) in fulfillment of the requirements set forth by the Committee for the Protection of Children and Young People and the National Review Board and as contained in the June 2002 (Revised June 2005), Charter for the Protection of Children and Young People (hereinafter "Charter"), Article 2. The Mission of the Board is to assist the Bishop in the investigation of allegations brought pursuant to the Charter through consultation and advice on implementation of the Charter mandate.

2.0 Composition of Diocesan Review Board

Members of the DRB are appointed by the Bishop of Lexington. The majority of members of the DRB shall be lay persons who are not in the employ of the Diocese.

2.1 The DRB shall be comprised of

- 2.1.1 at least five members who are of outstanding integrity, good judgment and in full communion with the Church;
- 2.1.2 an experienced pastor of the Diocese; and
- 2.1.3 an expert in the treatment of child sexual abuse.

2.2 The Bishop may include membership from other religious dominations who can contribute experience and objectivity.

2.3 All members shall undergo a background check in accordance with Diocesan policies, sign a confidentiality agreement, and shall participate in the Diocesan training program required for ministry to or contact with children in the Diocese.

2.4 The duties of the Chairperson shall be delineated by the Bishop and in consideration of the advice from the members of the DRB.

3.0 Terms of Service

DRB members shall be appointed for a five year term. Staggered appointments shall be sought so that experienced members are always a part of the DRB. Members may resign their appointments and their appointments may be terminated by the Bishop at any time. Existing members may be reappointed for one additional five year term at the sole discretion of the Bishop.

4.0 Defined Duties

The DRB shall have the following specified duties, in addition to other duties as may be requested by the Bishop from time to time:

- 4.1 Regarding accusations of sexual abuse of minors or vulnerable adults, a canonical investigation must be undertaken by the Bishop in accordance with Canon Law 1717 to determine whether a probability exists that an ecclesiastical crime was committed.

4.2 In accordance with the statutes and regulations of the Commonwealth of Kentucky, the Bishop, or his designee, shall report any incidences of child abuse to the proper authorities as mandated by the Charter.

4.3 The DRB shall offer assistance in advising reasonable means of gathering appropriate evidence to determine whether the allegations constitute a probability that an ecclesiastical crime was committed.

4.3.1.1 The Bishop may share with the DRB any supporting information and documentation regarding the case, including:

4.3.1.1.1 notice that reporting to the appropriate authorities of the Commonwealth of Kentucky of an abuse allegation has been undertaken;

4.3.1.1.2 a record of allegations made;

4.3.1.1.3 a description of any interviews with the accuser and any response of the accused to the allegations made;

4.3.1.1.4 the results of any preliminary diocesan investigation, any criminal investigation; and

4.3.1.1.5 any pertinent information from the personnel file of the accused.

4.3.2 The accused shall be informed of the information that will be presented to the DRB and may choose to make a presentation in person or in writing to the DRB.

4.4 After its review, the DRB may

4.4.1 advise on the credibility of an accusation of abuse that constitutes sexual abuse against a minor or vulnerable adult as described in the reporting policies of the Diocese;

4.4.2 advise if, in its advisory role, more investigation appears to be required before a consultative opinion can be rendered, including recommendations for the nature and type of investigation needed, and/or request the results of psychological evaluations as necessary and appropriate in each particular case;

4.4.3 advise whether the evidence presented establishes a probability that an ecclesiastical crime was committed by the accused;

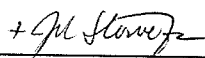
4.4.4 advise whether the accused has made admissions related to the alleged acts, and advise as to the severity and notoriety of the admitted acts;

4.4.5 recommend components in a plan to be followed by clerics whose conduct does not constitute an abuse but is identified to be a violation of boundaries harmful to the minor or vulnerable adult;

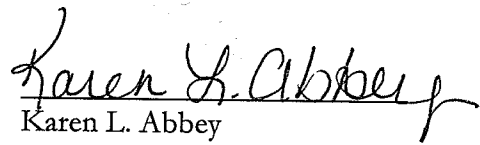
4.4.6 recommend any other actions identified as of possible benefit to the Diocese, the minor or vulnerable adult, their family, or the cleric.

- 4.4.7 share all points of view with the Bishop in the event that the DRB does not reach consensus about its recommendations.
- 4.5 At the request of the Bishop, the DRB shall additionally review any past, current or future cases regarding all Diocesan policies relating to the implementation of the Charter and offer advice to the Bishop on the same.
- 4.6 The work of the DRB, information provided to it and any additional work requested by the Bishop shall be kept confidential, shared only with those engaged in the business of the DRB, unless otherwise ordered by a court of competent jurisdiction.
- 4.6.1 The deliberations of the DRB will be strictly confidential and no detailed minutes will be taken or maintained.
- 4.6.2 Summary notes indicating the purpose of the meeting, the individuals in attendance, the decisions made, and the next steps will be recorded and retained in the Office of the Chancellor.
- 4.6.3 All documents distributed during a DRB meeting will be collected at the conclusion of that meeting.
- 4.7 The DRB shall meet at least annually. Additional meetings shall be scheduled as often as necessary to fulfill the duties of the DRB. The meetings shall reflect the pastoral character of this process that is consultative and advisory, not adjudicative.
- 4.7.1 The DRB will meet as often as needed to review allegations of sexual abuse of minors or vulnerable adults.
- 4.7.2 Unless specifically requested by the Bishop, the DRB shall not review cases under criminal investigation until after the criminal investigation has been completed.
- 4.7.3 The DRB will be presented with a report on the implementation of Safe Environment program annually.
- 4.7.3.1 The DRB will make recommendations for improvement and revisions to the program and any other policies and procedures relating to the implementation of the Charter.

Promulgated on September 19, 2016



Most Reverend John Stowe, OFM Conv.
Bishop of Lexington



Karen L. Abbey
Chancellor

