



Guidelines for the Independent Review Board

The Charter explicitly requires the Diocese to have an IRB that functions as a confidential consultative body to the Bishop. The majority of its members are to be lay persons not in the employ of the diocese. The role of the IRB is to advise the Bishop in his assessment of allegations of sexual abuse of minors and in his determination of a cleric's suitability for ministry. The Bishop and the IRB will regularly review diocesan policies and procedures for dealing with sexual abuse of minors and vulnerable persons and the accessing of child pornography, both retrospectively and prospectively. The IRB will give advice on all aspects of responses in connection with these cases. If not earlier undertaken, a review of these policies and procedures is to take place within five (5) years of the adoption of this current policy and at any other time that the "Charter and Norms" are revisited and revised.

The rules, policies and procedures of the IRB of the Diocese are as follows:

Statement of Policy: The policies of the IRB shall comport with the requirements of the Charter and the Essential Norms promulgated by the United States Conference of Catholic Bishops.

Section 1. Membership, Tenure and Officers

2.1.1 The Bishop shall appoint members of the IRB.

2.1.2 The IRB will be composed of at least five persons "of outstanding integrity and good judgment in full communion with the Church." The majority of the IRB will be lay persons. One member will be "a priest who is an experienced and respected pastor who does not serve in the Diocesan administration." One member "should have particular expertise in the area of the sexual abuse of minors." One member should be a parent. Opportunities for ongoing education for IRB members will be provided by the Diocese whenever possible.

2.1.3 The Bishop, at his discretion, may designate that other persons, including but not limited to the Diocesan attorney(s), VAC, Vicar General, and the Diocesan Business Manager to attend the IRB's meetings, though they are not voting members. Although the Bishop has the sole discretion to make this designation he shall confer with the Chair to determine if there is any objection to the attendance of these individuals at any IRB meeting.

2.1.4 To safeguard the canonical integrity of the IRB's work, the Promoter of Justice shall also serve as an "ex-officio" (non-voting) member of the IRB.

2.1.5 IRB members will be appointed for a term of five years and may be reappointed indefinitely; but all members serve at the pleasure of the Bishop.

2.1.6 At the expiration of the term of each IRB member, the Bishop shall appoint a successor. The IRB member whose term has expired will continue to serve until a successor is appointed and is able to serve.



2.1.7 The Bishop may remove any member of the IRB on his own initiative or at the request of the Chair. Any vacancy in the membership of the IRB shall be filled by the appointment of a new IRB member by the Bishop.

2.1.8 The IRB will select one member to be nominated to serve as Chair and one member to be nominated to serve as Vice-Chair. The names of these nominees will be forwarded to the Bishop who will make the formal appointment or will request additional nominees from whom to make the appointment.

2.1.9 The Chair and Vice-Chair will serve two-year terms and may be reappointed to a second term as either Chair or Vice Chair but then must sit out a term before again being appointed as either Chair or Vice Chair. Those who have served as Chair or Vice Chair may continue to serve as members of the IRB during the terms during which they are sitting out as Chair or Vice Chair.

2.1.10 At the final, regularly scheduled meeting of the applicable calendar year (year in which officers' terms are expiring), the IRB will choose its nominees for Chair and Vice-Chair, then forward the nominations to the Bishop. The new Chair and Vice-Chair will assume office January 1 of the following calendar year.

2.1.11 The official spokesperson for the IRB shall be the IRB's Chair or designee.

Section 2. Meetings, Schedule and Attendance

2.2.1 A quorum, a simple majority of voting members, must be present to participate for the conduct of a meeting. A majority of members present can take formal action.

2.2.2 Non-members may attend the business portions of the meetings only with the permission of the Bishop who shall take into account any objection from the chair and any IRB member; confidential portions of the meetings, those portions in which cases are considered, will be held in closed session. The VAC, the person designated to conduct the preliminary investigation, diocesan civil attorneys, canon lawyers and the Diocesan Business Manager may attend the closed sessions unless a request is made by any IRB member for them to leave, and the Bishop concurs, in which case they will do so promptly. All present are asked to remain mindful of the significance of the independent nature of the review of the IRB. The IRB or any IRB member may meet with the Bishop at any time, formally or informally, at the request of the Bishop, the IRB or any individual member. Accusers or the accused may address the IRB.

2.2.3 The IRB will schedule regular meetings at least three times yearly. Special meetings will be convened by the Chair or Vice Chair whenever necessary to carry out or facilitate the responsibilities of the IRB that cannot be addressed appropriately, optimally or in a timely manner at a regularly scheduled meeting.



Section 3. Purpose of the Regularly Scheduled Meetings

2.3.1 The IRB will review any investigation and disposition of allegations of sexual abuse of a minor by any personnel that occurred since the last regularly scheduled meeting and which was not completed in a special meeting.

2.3.2 The IRB will review any modifications or amendments to the Charter or to the Norms promulgated by the United States Conference of Catholic Bishops.

2.3.3 The IRB will conduct a review of policies and procedures of the Diocese to assure full compliance with the Charter and Norms as needed.

2.3.4 The IRB will review and subject to approval of the Bishop revise the Rules of the IRB as needed.

2.3.5 The IRB will conduct other business as needed to fulfill its function as a confidential/consultative body to the Bishop in discharging the Bishop's responsibilities under the Charter and Norms noted above, as well as the "Substantive Norms" issued by the Congregation for the Doctrine of the Faith.

Section 4. Minutes

2.4.1 The proceedings of all meetings shall be kept in the form of written notes by the Chair's designee. There are no detailed minutes, but summary notes indicating the purpose of the meeting, attendees, decisions made and next steps.

2.4.2 Needed documents will be circulated in advance of the next meeting to all IRB members; and copies will be maintained in a designated office at the administrative offices of the Diocese. All documents given to the IRB will be collected at the conclusion of each meeting.

2.4.3 Access to the IRB records shall be available at any time to any IRB member, but members will make no further dissemination without the permission of the Bishop or his designee who will inform the Chair.

2.4.4 Records of the IRB are designated as confidential and shall not be accessible except as provided for in Canon Law, civil law or applicable policies of the Diocese.

Section 5. Compensation

2.5.1 The IRB members agree to serve without compensation.

2.5.2 In accordance with applicable Diocese policy, IRB members will be reimbursed for travel, lodging, meals or other expenses when such expenses are incurred as part of their services to the Diocese as a member of the IRB.



2.5.3 IRB members are fully indemnified by the Diocese for their good faith actions in their capacity of service on the IRB.

Section 6. Formal and Informal Proceedings

2.6.1 The IRB shall have formal and informal procedures for use, as appropriate, in conducting the business of the IRB. There is no difference in the significance or validity of the decisions of the IRB that are made in the formal proceedings, face-to-face meetings, from those that are made in the informal proceedings as set forth below.

2.6.2 Meetings may also be conducted where some members are present and others participate in the discussions with a telephone conference call or by some other electronic means; all participating duly appointed members may vote.

2.6.3 When appropriate, IRB business may be conducted informally by use of written correspondence, e-mail, telephone, conference calls, other electronic means, etc. as long as advance notice and an opportunity to participate has been extended to all duly appointed IRB members, and a quorum of the duly appointed IRB members has participated. A majority vote of all participating duly appointed members is required to take action.

2.6.4 Formal actions of the IRB are those conducted in meetings, regularly scheduled or special, with a quorum of members present at the same site at the same time.

Section 7. ROLE of the IRB in the Investigation of an Allegation of Sexual Abuse of a Minor by a Cleric or Any Other Personnel or Volunteers; Advising the Bishop in the Case of Clerics Involved in Child Pornography

Guidelines

2.7.1 The Bishop will convene the Independent Review Board the Independent Review Board after an allegation of sexual abuse of a minor by a priest or deacon of the Diocese of Great Falls-Billings has been received. An allegation is considered “received” after the Victim Assistance Coordinator has presented a report of findings indicating that the allegation is not frivolous. The Bishop will convene the Independent Review Board to examine the allegation.¹

2.7.2 The Independent Review Board will receive from the Bishop or his delegate a complete written record of the allegations made against a priest or deacon; a detailed description of the interviews of alleged victims and the response of the priest or deacon in question to the allegations made; and will review any information pertinent to the allegation from the priest’s or deacon’s personnel file. The priest or deacon and his advocate will be informed of the material that will be presented to the Independent Review Board. The priest or

¹ The Bishop also may convene the Independent Review Board to assess allegations of all forms of child abuse, including sexual abuse and misconduct, physical abuse and neglect, which means these guidelines extend beyond the provisions of the *Charter for the Protection of Children and Young People* and address the expectations of clerical conduct in harmony with canon law to ensure the protection of children (c. 277, c. 285, c. 1395, c.1397, c. 1399)



deacon and/or the alleged victim(s) may choose to make a presentation in person or in writing to the Independent Review Board.

2.7.3 The Independent Review Board will be required to assess the credibility of the allegations 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 Great Falls-Billings.

2.7.4 The Bishop is responsible for initiating the preliminary investigation. The Independent Review Board will review the proofs gathered at the conclusion of the canonical preliminary investigation process carried out by a qualified investigator in accordance with Canon 1717. The Promoter of Justice serves as advocate for the alleged victim during the preliminary investigation. If there is an admission of guilt or if the preliminary investigation indicates culpability, the Bishop sends the acts of the case to the Congregation of the Doctrine of the Faith for a possible penal trial.

2.7.5 The Independent Review Board may be asked to comment on the suitability of a priest or deacon for future ministry.

2.7.6 The Independent Review Board is authorized to further investigate allegations and interview alleged victims or witnesses as it deems necessary and appropriate in each particular case.

2.7.7 The Chair of the Independent Review Board will present the recommendations of the Independent Review Board to the Bishop.

2.7.8 The deliberations of the Independent Review Board will be strictly confidential and no detailed minutes will be taken or maintained. 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 administrative office of the Diocese of Great Falls-Billings. All documents given to the Independent Review Board will be collected at the conclusion of each meeting

Steps to be Followed in an Investigation

1. When an allegation of sexual abuse of a minor by a priest or deacon is received, an expeditious determination will be made as to whether the allegation made is credible. The Diocesan legal counsel will be immediately informed and in turn will notify the civil authorities.
2. Civil authorities will be offered first contact with the accused except when such procedure would put the alleged victim and/or others at risk of harm. The Diocese of Great Falls-Billings will, after consultation with civil authorities, confront the priest or deacon unless such authorities deem otherwise. The alleged perpetrator (priest or deacon) will be advised to obtain a civil attorney and a canonical advocate to represent him.



3. The Diocese of Great Falls-Billings will provide the person against whom an allegation has been made an explanation of the overall investigative process and specific procedures for dealing with allegations of child abuse.
4. The Diocese of Great Falls-Billings will initiate an investigation in accordance with canon 1717 of the Code of Canon Law (1983).²
5. The alleged perpetrator may be relieved of his assignment and required to leave the parish and be encouraged to obtain the appropriate psychological evaluation at a facility acceptable to the Diocese of Great Falls-Billings.
6. The Independent Review Board will be convened in accordance with the guidelines.

² Canon 1717 reads “Sec. 1: Whenever an ordinary has knowledge, which at least seems true, of a delict, he is carefully to inquire personally or through another suitable person about the facts, circumstances and imputability, unless such an inquiry seems entirely superfluous. Sec. 2: Care must be taken so that the good name of anyone is not endangered from this investigation. Sec. 3: The person who conducts the investigation has the same powers and obligations as an auditor in the process; the same person cannot act as judge in the matter if a judicial process is initiated.”