

**POLICY FOR MAINTAINING ETHICAL
MINISTRY WITH MINORS**

Approved by Midwest District Council

December 13, 2017

Policy for Maintaining Ethical Ministry with Minors

Section A. Standards of Conduct for Ministry with Minors

This Policy for Maintaining Ethical Ministry with Minors (“Policy”) is intended to assist Brothers of the Christian Brothers of the Midwest, hereinafter the “District,” in making decisions about interactions with minors. This policy, while directed to public ministry, also applies to personal relationships such as those involving family and friends. Brothers are expected to adhere to the following ethical standards and specific behavioral guidelines in all aspects of their personal and ministerial lives.

A Brother may be a professed religious of the District, a Novice, or a Postulant.

A Brother includes living and deceased current and former Brothers of the District. Former members are included only if inappropriate behavior occurred during the time of their membership in the District.

A minor is anyone under the age of 18. For the purposes of this Policy the term “minors” also includes adults with physical or mental disabilities or limitations who are uniquely vulnerable to abuse.

Abuse and neglect of minors are contrary to the teachings of the Church and are prohibited. Brothers have a responsibility to protect minors from all forms of abuse and neglect.

1. Prohibited Behaviors

- a. Using, possessing, or being under the influence of illegal drugs while in the presence of minors.
- b. Consuming alcohol in excess while working with minors. A Brother may only consume alcohol in the presence of minors while at a meal or other social event or gathering where it is socially acceptable for a responsible adult to consume alcohol, and at least two other adults are present and are also consuming alcohol.
- c. Providing or allowing minors to consume alcohol or use illegal drugs.
- d. Swearing or using vulgar language in the presence of minors.
- e. Discussing sexual activities with minors unless it is a specific job requirement and the Brother is trained to discuss these matters.
- f. Engaging in any sexually oriented conversations with minors unless the conversations are part of a legitimate lesson and discussion regarding human sexuality issues. On such occasions, the lessons will convey to youth the Church's teachings on these topics. If youth have further questions not answered or addressed by their individual teachers they should be referred to their parents or guardians for clarification or counseling.
- g. Being nude or immodestly clothed in the presence of minors.
- h. Sharing changing and showering facilities with minors. Arrangements for Brothers must be separate from the facilities or arrangements for minors.
- i. Possessing or knowingly allowing minors to possess, sexually oriented or morally inappropriate materials including, but not limited to, magazines, cards, videos, films, DVDs, or clothing.

- j. Sleeping in the same beds, sleeping bags, or small quarters with minors.
- k. Engaging in sexual contact with minors. For the purposes of this policy, sexual contact is defined as vaginal intercourse, anal intercourse, oral intercourse, or the touching of an erogenous zone of another for the purpose of sexually arousing or gratifying either person. For the purposes of this Policy an erogenous zone includes but is not limited to the thighs, genitals, buttocks, pubic region, or chest.
- l. Possession, distribution, downloading, and/or intentional viewing of real or virtual child pornography.

2. Physical Contact

- a. Brothers are prohibited from using physical discipline in any way for behavior management of minors. No form of physical discipline is acceptable. This prohibition includes spanking, slapping, pinching, hitting, or any other physical force as retaliation or correction for inappropriate behaviors by minors or for any reason whatsoever.
- b. Brothers trained in Therapeutic Crisis Intervention or other forms of therapeutic safety holding protocols as part of their ministry shall abide by those protocols and local guidelines, only using those techniques while engaged in assigned ministerial responsibilities within that organization.
- c. Appropriate affection between Brothers and minors constitutes a positive part of Church life and ministry. The following forms of affection may be regarded, under the appropriate circumstances when used with all necessary good judgment, as appropriate examples for Brothers in ministry roles with minors:
 - i. Hugs;
 - ii. Pats on the shoulder or back;
 - iii. Hand-shakes;
 - iv. "High-fives" and hand slapping;
 - v. Verbal praise;
 - vi. Touching hands, faces, shoulders, and arms of minors;
 - vii. Arms around shoulders;
 - viii. Holding hands while walking with small children;
 - ix. Sitting beside small children;
 - x. Kneeling or bending down for hugs with small children;
 - xi. Holding hands during prayer; and
 - xii. Pats on the head when culturally appropriate. (For example, this gesture should typically be avoided in some Asian communities).

Note: Appropriate physical contact happens within the context of a relationship. No physical contact, even those listed above, should be made if it makes the minor feel uncomfortable in any way.

- d. Some forms of physical affection have been used by adults to initiate inappropriate contact with minors. In order to maintain the safest possible environment for minors, the following are examples of affection that are not to be used by Brothers with minors:
 - i. Inappropriate or lengthy embraces;

- ii. Kissing on the mouth;
- iii. Holding minors over four years old on the lap;
- iv. Touching buttocks, chests, or genital areas;
- v. Showing affection in isolated areas such as bedrooms, bathrooms/restrooms, closets, staff-only areas, or other private rooms;
- vi. Being in bed with a minor;
- vii. Touching knees or legs of minors;
- viii. Wrestling with minors;
- ix. Tickling minors;
- x. Piggyback rides;
- xi. Any type of massage given by a minor to an adult;
- xii. Any type of massage given by an adult to a minor;
- xiii. Any form of unwanted affection; and
- xiv. Compliments that relate to physique or body development.

3. Supervision of Programs That Involve Minors

- a. Ministry and professional obligations may require a Brother to be alone with minors. In those situations, a Brother must follow appropriate local and professional guidelines for the situation, as well as this Policy. However, where possible, programs for minors in which Brothers are involved should be supervised by at least two adults.
- b. The local ministry or employer of a Brother shall be made aware of the District's standards and policies regarding the role of each Brother involved in all programs and activities sponsored by that ministry. Local leadership, thus aware, shall make reasonable and appropriate attempts to design, implement, and supervise programs and activities, insuring that these standards will, to the best of their ability, be met.
- c. During his annual visit or communication with local ministry leadership, the Brother Visitor or his Auxiliary will review with the local leaders (heads of ministry and community Directors) any issues related to any Brother's involvement in programs or activities sponsored by that ministry.

4. Off-site Events

- a. Brothers are prohibited from transporting minors without written permission of their parent or guardian.
- b. Brothers are prohibited from unnecessary and/or inappropriate physical contact with minors while in vehicles.
- c. Minors should be transported directly to their destination. No unplanned stops should be made.
- d. Brothers are prohibited from having minors stay at their residence. Requests for exceptions require the approval of the Visitor and should be submitted to the Visitor in writing two weeks prior to the visit.

5. Standards for Interaction with Minors Via Digital Media

- a. Should individual contact with a minor via digital media become necessary in the ministerial setting, the Brother will follow the policy of the pastoral employer regarding

digital interaction with minors. If the requirements of this Policy and a pastoral employer's policy contradict each other the Brother must follow the stricter of the two requirements. If the pastoral employer does not have a policy regarding digital interaction with minors the Brother will adhere to this Policy.

- b. Brothers must have written permission from a minor's parent or guardian before contacting the minor via text message, email, social media site, telephone, or other means of electronic or digital communication, or before posting pictures, video, or other information that may identify that minor.
- c. Parents or guardians must have access to everything provided to their children. For example, parents or guardians must be made aware of how social media is being used, be told how to access the sites, and be copied on all material sent to their children via social networking, including text messages and emails.
- d. If a Brother receives an unsolicited private electronic or digital communication from a minor the Brother will alert a superior about the private communication and forward the communication. Brothers must not respond to the minor except to state that any one-to-one electronic or digital communications are prohibited by the District. If the minor reveals abuse or inappropriate interactions with an adult, the Brother must report this information, pursuant to the requirements of this Policy.

6. Minors Who Are Family Members of a Brother

There is more latitude allowed for travel and lodging arrangements, electronic or digital communication, and expressions of affection with minors who are members of a Brother's family. These actions typically take place outside of a ministerial context and appropriateness can be guided by family customs and culture.

7. Training for Brothers who Work With Minors

- a. The District will educate its Brothers regarding the prevalence, identification, and prevention of sexual abuse of minors, giving special attention to topics which are of unique relevance to Religious.
- b. Educational programs may be provided by the organizations in which Brothers are employed, such as a diocese, hospital or school. If so, Brothers are expected to participate in such programs and abide by the regulations set forth for their local ministry.
- c. On-going educational programs may be provided at the local, District, or national level for all Brothers. No program or presentation may be repeated over two consecutive years. Such programs must include a variety of topics, supporting in as broad a scope as possible, the prevention of sexual abuse of minors.
- d. Only the Brother Visitor may excuse a Brother due to physical or mental difficulties from attending educational programs addressing the sexual abuse of a minor. This exception may be made only in the case of a Brother who is not/will not be involved in public ministry.
- e. Brothers shall review this Policy and agree in writing to comply with it.
- f. Brothers who are returning from ministry outside of the U.S. as well as international Members who are coming for ministry within the U.S. and who are not Brothers of the Midwest District, or who belong to a different religious community, must complete an educational plan in accord with this Policy.

8. Required Procedures for Those Seeking Admission Into the District

- a. Individuals who wish to join the ministry of The District as part of the postulancy shall be required, prior to any indication of acceptance, to:
 - i. Provide personal information and history so as to allow for a criminal background check, including specific screening for the sexual abuse of minors. The background check must include every state/county that the candidate has resided in for the last ten years, and a completed national sex offender registry check. Criminal background checks for individuals from outside the United States will be conducted to the best ability of the District;
 - ii. Provide the District with three (3) documented personal references, including at least one from a family member;
 - iii. Provide the District with two (2) professional references. These references shall include, when experience indicates, any professional experiences involving work with minors;
 - iv. Submit to a face to face interview(s) with at least two (2) different Brothers of the District; v. Participate in a psychological evaluation, including psycho-sexual history, by an appropriate licensed psychologist who understands the candidate is entering Catholic religious life that includes celibate chastity. The candidate must allow the Psychologist to discuss the findings of the evaluation with the initial formation Director.
- b. The requirements of 8(a)(i-iv) must be completed prior to involvement in any public ministry as a Candidate of the District.
- c. The requirements of 8(a)(i-v) must be met prior to entry into the Novitiate.
- d. The information obtained through (a)(i-v) will be used to specifically screen individuals for a history of sexually abusing or violating the boundaries of minors.
- e. The District will review all publicly accessible content on all social media, personal blog sites, and web sites associated with accounts controlled by the individual seeking acceptance.
- f. Because the cultural values of the United States are not universal values assessment of an individual from a different cultural background will include evaluation of the individual's ability to adapt to the cultural requirements of ministry in the United States.
- g. An individual cannot be permitted to begin formation as a Postulant of the District if he:
 - i. Has an established¹ allegation of sexually abusing a minor; or
 - ii. Has acquired or intentionally viewed child pornography.

¹ An allegation is established when, based upon the facts and the circumstances, there is objective certainty that the accusation is true and that an incident of sexual abuse has occurred Praesidium's *Instruments of Hope and Healing Standards for Accreditation* ("Standards"), "Glossary of Terms.") The *Standards* add an explanatory note to this term: "Established Allegation is not based upon a "preponderance of the evidence," i.e. more likely to be true than not, which may be established by 51% or more of the evidence. Established Allegation is in keeping with the canonical standard of "moral certitude" which states that major superior recognizes that the contrary (that the allegation is false) may be possible, but is highly unlikely or so improbable, that the major superior has no substantive fear that the allegation is false."

- h. A Brother who has taken annual vows or a postulant or novice cannot be allowed to continue in formation if he:
 - i. Is unable to maintain appropriate boundaries with minors despite guidelines and instruction;
 - ii. Sexually abuses a minor or acquires or intentionally views child pornography while in formation; or
 - iii. Is discovered to have sexually abused a minor or intentionally acquired or viewed child pornography prior to his acceptance into formation.
- i. Vocation Directors and Formation Directors shall receive adequate training to identify candidates who may be at risk for sexually abusing a minor.
- j. Initial formation programs will assist candidates in their ongoing growth toward healthy sexuality as part of their formation for celibate chastity.
- k. All Postulants, Novices, or Brothers who have not already done so will participate in at least one educational program, which will include information on the following topics:
 - i. Self-protection from false allegations of sexual abuse, including what to do when a Brother is concerned about being falsely accused;
 - ii. Preferential and situational type sexual offenders. Materials will be provided stating warning signs associated with both types of offenders;
 - iii. Child pornography, including its nature as a criminal offence and an offense considered the under the USCCB document, *Charter for the Protection of Children and Young People* (“*Charter*”);
 - iv. Abuse of vulnerable adults, including its nature as an offence considered under the *Charter*; and
 - v. How to make a report of known or suspected abuse of a victim who is currently a minor to the appropriate civil authorities under the child abuse reporting laws of the jurisdiction where the Brother is assigned.

9. Systems of Support Within the District for the Brothers

- a. The District will identify and utilize systems of support and accountability for Brothers. The Brother Visitor will be able to describe these systems and demonstrate on-going adherence to them.
- b. The District and its leadership will provide support to and contact with all of its members on a regular basis. District and local leadership will make themselves as available as possible to hear the needs and request of their Brothers.
- c. Brother Visitor or his Auxiliary Visitor will annually visit with each Brother in the District, including those who are living outside of the specific community structure of the District.
- d. The District will maintain a list of Brothers who are living outside of the specific community structure of the District. An individualized system of support and accountability will be implemented for each such Brother. If it is not possible to implement such systems the Brother will resume living within the community structure of the District.

- e. If a Brother living outside the specific community structure of the District will not conform to an individual system of support and accountability, or resume living within that structure, the Brother Visitor will use canonical procedures to encourage the Brother to resume living within that structure or in conformity with an individual system of support and accountability. The Brother Visitor may consider restrictions on the Brother's lifestyle, limitations on financial support, limitations on the Brother's ministry, and penalties in accord with the norm of law, including dismissal.
- f. For Brothers who are employed in any organization or in public ministry outside of the specific ministries of the District, the Brother Visitor will communicate annually with the appropriate authority of the organization, will document the communication in some form, and will provide the contact information of the Brother Visitor to the appropriate authority.
- g. When a Member of another religious institute begins his candidacy to become a Brother of the District, the Member becomes subject to the Brother Visitor and is required to adhere to this Policy and the District's systems of support and accountability.
- h. Religious from other provinces or institutes, or diocesan clergy, may reside in a house or community of the District with the permission of the Brother Visitor and their own Major Superior or diocesan bishop. These individuals must adhere to and meet the requirements of this Policy in the same manner as Brothers of the District.
- h. A Brother who discloses to any other Brother an unhealthy attraction to minors or an inability to respect boundaries with minors will be offered professional assistance by the District. The Brother Visitor is to be informed of the matter in each case.

Section B. Procedures for Reporting Abuse of Minors

1. Reporting of Sexual Abuse

- a. Brothers must report known or suspected sexual abuse by a Brother of the District to the Brother Visitor.²
- b. Brothers must also report known or suspected abuse of an individual who is currently a minor to the appropriate civil authority in the state where the abuse is alleged to have occurred in compliance with current state law and with Praesidium's *Instruments of Hope and Healing Standards for Accreditation* ("Standards").
- c. The Brother Visitor will report known or suspected sexual abuse of an individual who is currently a minor to the appropriate civil authority in the state where the abuse is alleged to have occurred, whether or not required by state law, informing any Brother who reports the abuse that he will convey the report to the appropriate civil authority.
- d. The Brother Visitor will report known or suspected sexual abuse by a living current or former Brother when the victim is no longer a minor, as obligated by the civil laws of the state where the abuse allegedly occurred. The Brother Visitor will advise victims who are no longer minors of their right to make a report to civil authorities and will encourage them to do so.
- e. A Brother should inform the Brother Visitor if he believes that another Brother exhibits warning signs of unhealthy boundaries or relationships with minors. Warning signs in themselves may not constitute reasonable belief that sexual abuse has occurred. The

² If the Visitor is suspected or known to have committed abuse a report shall be made to the Superior General.

Brother Visitor is responsible for appropriate follow-up to such concerns.

- f. In the event that an allegation concerns a member of another religious order, or a diocesan priest or deacon residing in a community of the District, the Brother Visitor will inform the person's superior and, if requested, assist the superior in the investigation of the allegation and in responding to the person making the allegation.

2. Reporting Related to Child Pornography

- a. Brothers must report the known or suspected possession, distribution, downloading, and/or intentional viewing of child pornography by a Brother to the Brother Visitor.
- b. Brothers must also report the known or suspected possession, distribution, downloading, and/or intentional viewing of child pornography to the appropriate civil authority in the state where they know or suspect such activity took place, in compliance with current state law and with **Praesidium's Standards**.

Section C. Responding to Incidents and Allegations of Sexual Abuse

1. Pastoral Response to the Alleged Victim

- a. When the District receives an allegation of sexual abuse against a current, former, or deceased Brother, an individual other than the Brother Visitor will provide the alleged victim with an explanation of the procedures the District typically follows in responding to allegations.
- b. The District will respond pastorally to the alleged victim by offering counseling services through a provider identified and paid for by the District. All Brothers will be provided with a basic procedure for responding pastorally to an allegation of abuse, so that they will understand how to pastorally respond to an individual who alleges sexual abuse, and so they will be able to treat that individual with respect and dignity.
- c. When the District first learns about an allegation of abuse the Brother Visitor will determine whether to make an offer to meet with the alleged victim. If the District first learns about an allegation as a result of legal proceedings, and the alleged victim is represented by legal counsel, any such offer would be delivered through the alleged victim's legal counsel.

2. Communication With the Accused Brother

- a. After receiving an allegation of sexual abuse against a Brother, the Brother Visitor will meet with the Brother. Prior to explaining the allegation, the Brother Visitor will advise the Brother that the conversation is not privileged, and therefore, before responding the Brother may wish to consult civil and canonical legal counsel and, if advisable, have such counsel present for his meeting with the Brother Visitor.
- b. The Brother Visitor will inform the Brother that the District will provide civil and canonical legal counsel, as long as the Brother agrees to select counsel approved by the District.
- c. The Brother Visitor will advise the Brother of the nature of the allegation.
- d. The Brother Visitor will inform the Brother whether the allegation will be reported to civil authorities.

- e. The Brother Visitor will discuss with the Brother the advisability of immediate psychological evaluation, and, if appropriate, psychological care. The Brother Visitor may not require the Brother to undergo evaluation or psychological care.
- f. The Brother Visitor will request that the Brother choose a support person and that the Brother inform the Brother Visitor who this support person is.

3. Notification of Others

- a. The Brother Visitor will communicate the allegation to the diocesan bishop where the alleged abuse took place and where the Brother currently resides, as appropriate.
- b. The Brother Visitor will communicate the allegation to the employer of the place where the alleged abuse took place and where the Brother is currently employed, as appropriate.

4. Investigation and Determination

- a. When an allegation of sexual abuse is first received, regardless of whether the Brother is dead or no longer with the District, the Brother Visitor or his designee will gather this initial information:
 - i. The name of the alleged victim;
 - ii. The age of the alleged victim, both presently and at the time of the alleged abuse;
 - iii. The contact information for the alleged victim;
 - iv. The name of the alleged perpetrator;
 - v. Approximate dates of the alleged abuse;
 - vi. The nature and location of the alleged abuse; and
 - vii. Information from files regarding the Brother concerning the present and past ministry, assignments, and residences of the Brother.

If the allegation is not found to be manifestly false or frivolous at the conclusion of the District's initial investigation the Brother Visitor will ensure that the Brother has no access to minors until a full investigation is completed.

- b. If the Brother denies the allegation or aspects of the allegation then the allegation will be investigated to the extent possible, even if the allegation is anonymous. The Brother Visitor will authorize the hiring of an independent trained investigator who will gather information regarding the allegations. The investigation should commence within 30 days of the initial allegation.
- c. When the investigator has completed his or her investigation, he or she will make a confidential written report.
- d. The Brother Visitor will forward the following information to the Review Board in a timely manner:
 - i. The original report or allegation which was submitted to the District;
 - ii. The final report from the investigation;
 - iii. Any other allegations involving the Brother; and
 - iv. Any relevant disciplinary actions taken with regard to the Brother with an explanation of the reasons for such disciplinary actions.

- e. The District will cooperate with authorized state and federal civil authorities in their investigation of allegations of sexual abuse of minors involving a Brother. If the matter has been turned over to the civil authorities and they assume conduct of the investigation, the District's independent investigation will be suspended pending the outcome of the civil or criminal investigation, unless after consultation with civil authorities it is determined that the continuation of the District's independent investigation will not impede the civil or criminal investigation and the civil authorities do not object to the continuation of the independent investigation.

5. Procedures When Sexual Abuse Has Not Been Established

If the fact of sexual abuse by a Brother has not been established the Brother Visitor will:

- a. Issue a canonical decree to this effect within ten days and the case is closed;
- b. Reinstate the Brother to any responsibilities and duties from which he was temporarily removed;
- c. Make every effort to restore the good name of the accused Brother;
- d. Inform the employer of the place where the alleged abuse took place and where the Brother is currently employed no allegation was established; and
- e. Inform the bishop where the alleged abuse occurred and where the Brother currently resides no allegation was established.

6. Procedures When Sexual Abuse Has Been Established

- a. The Brother Visitor will communicate his decision in writing to the Brother and indicate further steps to be taken in this matter.
- b. The Brother Visitor will communicate with the diocesan bishops where the alleged abuse took place and where the Brother currently resides as appropriate. If the Brother is relocated to another diocese the diocesan bishop will be informed.
- c. The Brother will not be permitted to work in a parish, school, or any position which allows access to minors. The Brother will not be permitted to work in any ecclesiastical ministry, meaning any ministry under the authority of a diocesan bishop.
- d. The Brother will not be permitted to use the title Brother in public, or wear clerical attire.

7. Administrative Recourse

At all times, a Brother against whom an allegation has been made has a right to administrative recourse, according to the norms of canon law.

Section D. Safety Plans

1. Creation and Implementation of Safety Plan

- a. The District will maintain a written individualized Safety Plan to guide the supervision of any Brother against whom an allegation of sexual abuse of a minor has been established.

- b. All Brothers who have an established allegation of sexual abuse of a minor, including those who are in residential treatment centers or who are on parole or probation, are required to have a Safety Plan.
- c. The District must determine the level of risk for each of the Brothers who have an established allegation of the sexual abuse of a minor and are on a Safety Plan. The level of risk should be determined either through a professional risk assessment or through a review of behaviorally-based indicators.
- d. After consultation with the Review Board, legal counsel, and others, as appropriate, the Brother Visitor will draw up a Safety Plan for each Brother who has an established allegation.
- e. The District will implement the Safety Plan and the District will make every reasonable effort to ensure that the Brother understands the consequences for non-compliance with the Safety Plan.

2. Contents of Safety Plan

The Safety Plan must include the following:

- a. A summary of the problem behaviors, which at a minimum will detail the number, age, and gender of the victim(s);
- b. Information about how the Brother spends the majority of his time;
- c. Any applicable sex offender registry requirements, including parole and probation;
- d. Documentation of appropriate work for the Brother, including his specific assignment;
- e. A summary of the Brother's risk assessment and risk reduction strategies, including:
 - i. Limitations on the Brother's access to minors and how any such access is supervised;
 - ii. Association with friends and family, including how to ensure that any resulting access to minors is supervised;
 - iii. Monitoring the Brother's access to and use of electronic communications, including email, text messaging, telephone calls, social media, and internet access to ensure that appropriate boundaries are maintained at all times; and
 - iv. Issues of financial accountability;
- f. The supervisor responsible for the implementation of each of the risk reduction strategies;
- g. Consequences for non-compliance with the Safety Plan; and
- h. Dates on which the Safety Plan has been reviewed by the Review Board.

3. Sharing Information Contained in Safety Plan

The Brother Visitor will seek the advice of legal counsel before sharing any confidential information in the Safety Plan, including information regarding:

- a. The history and nature of the Brother's problem behaviors;
- b. The Brother's risk assessment; and
- c. Risk reduction strategies.

4. Signing of Safety Plan

The Safety Plan must be signed by the Brother Visitor and at least one supervisor of the Brother. The Brother will be requested but cannot be required to sign the Safety Plan.

5. High Risk Offenders

Within thirty (30) days of implementation, the accrediting agency must be informed of a new Safety Plan for a Brother who is determined to be a "High Risk" offender.

6. Brother's Place of Residence

A Brother who has a Safety Plan will live only in a community of the District or other appropriate supervised place of residence, as determined by the Brother Visitor. No separate apartment, private home, or other domicile will be allowed as a permanent residence for the Brother.

7. Supervision of Brothers With Safety Plans

A supervisor of a Brother who has a Safety Plan will:

- a. Receive written guidelines regarding their role and procedures for supervision, including how to respond if the Brother violates his Safety Plan;
- b. Be provided with written instructions regarding documentation that must be maintained to verify compliance;
- c. Be provided with training regarding his or her responsibilities;
- d. Not have physical or emotional disabilities that prohibit their fulfillment of the function of supervision;
- e. Be a qualified Brother, employee, or contractor of the District;
- f. Not have other assignments that interfere with his responsibility of supervision if the supervisor is a Brother; and
- g. Receive all pertinent information needed to properly supervise known in the external forum by the Brother Visitor and not otherwise confidential or protected by privilege.

Section E. Review Boards

1. Purpose

- a. The Brother Visitor, with the approval of the District Council, has established a District Review Board for the purpose of providing advice to the Brother Visitor on the implementation and administration of this Policy. The Review Board functions as a confidential consultative body, under the aegis of the District's chosen civil legal counsel for purposes of consultation with the District, advising the Brother Visitor in making decisions regarding assessment of credible allegations, as well as appropriate treatment, placement, and work of Brothers against whom a credible allegation of sexual abuse of a minor has been made.

- b. In making his decisions, the Brother Visitor takes into consideration the perspectives and viewpoints of the members of the Review Board and attends to their professional advice and recommendations.
- c. The Review Board exists solely to provide such advice and has no independent power or authority to replace, supplant, or in any way diminish the Brother Visitor's authority and responsibility regarding the determination of the appropriateness of a Brother's work, treatment, or placement within the District.
- d. The policies and procedures of the Review Board are established in recognition of and in compliance with 1) the requirements of canon law, 2) the United States Conference of Catholic Bishops' *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, 3) Praesidium's *Standards*, and 4) this Policy.
- e. The Review Board does not conduct or participate in the investigation of an allegation of sexual abuse of a minor.

2. Responsibilities

In fulfilling its mission to provide him with advice and counsel, the Review Board provides to the Brother Visitor consultation regarding:

- a. Whether an allegation of sexual abuse of a minor that is brought against a Brother of the District is established³;
- b. The disposition of any case where an allegation of sexual abuse against a Brother cannot be investigated or established;
- c. The reporting of allegations to civil authorities, when appropriate, if the reporting of the allegation is not required by law;
- d. The action to be taken when a Brother has repeatedly violated the boundaries of a minor, including but not limited to when a minor is known to be in danger as a result of such a violation;
- e. The kinds of work and other activities that are suitable for a Brother with an established allegation of sexual abuse of a minor;
- f. Safety Plans, including;
 - i. The initial review of a Safety Plan;
 - ii. The annual review of a Brother's compliance with, response to, or violation of his safety plan;
 - iii. Adjustments to the Safety Plan of a Brother whose behavior changes significantly; and
 - iv. Adjustments to the Safety Plan of a Brother against whom a new allegation surfaces; and

³ In order to assist the Review Board in fulfilling this aspect of its mission Review Board members will, at a minimum, be provided with the following when they are asked to consider an allegation of sexual abuse:

- A. The original report or allegation of sexual abuse of a minor by a Brother that was provided to the District;
- B. The final report of the investigation into that allegation;
- C. Information regarding all other allegations of sexual abuse against that Brother; and
- D. Information regarding any relevant disciplinary actions ever taken in regard to the Brother, and the reasons for those actions.

- g. Review of this Policy and any other policies and procedures established by the District regarding the prevention of or the response to the sexual abuse of minors.

3. Composition of Review Board

- a. The Review Board shall consist of at least five Members, including at least one Brother of the District and other individuals who are not Brothers. No more than two Brothers may be Members of the Review Board.
- b. The Review Board shall include an individual who has particular expertise in the treatment of the sexual abuse of minors.
- c. At least five of the Review Board members must be Catholic.
- d. While it may occasionally be acceptable for a Review Board Member to also be an employee of the District, it is preferable for the Review Board Members not to be employees of the District. At no time may the majority of Review Board members be employed by the District.

4. Appointment of Review Board Members

The Brother Visitor shall appoint Members of the Review Board through legal counsel, with the consent of the District Council, and after consultation with the Members of the Review Board, legal counsel, and other advisors, as appropriate.

5. Removal of Members

A Member of the Review Board may be removed at the discretion of the Brother Visitor after consultation with the Chair of the Review Board and legal counsel. Members shall be removed by a letter of removal signed by the Brother Visitor.

6. Terms of Members

- a. Review Board Members shall serve a term of three years. Terms are renewable.
- b. It is preferable for the Review Board to have no more than two new Review Board Members in one year. When possible, terms should be staggered to provide continuity for the Board.
- c. Vacancies created by the departure of Review Board Members during their term shall be filled by appointment by the Brother Visitor. Review Board Members appointed to fill a vacancy before the expiration of a term shall serve for the remainder of the unfinished term and may then be reappointed to a full term at the discretion of the Brother Visitor.

7. Education of Members

All Members of the Review Board will take part in initial and on-going training provided or recommended by the District.

8. Officers

- a. The Review Board Members shall elect a Chair and Vice-Chair who shall serve for

terms of one year and may be re-elected at the will of the Review Board. The Chair shall preside at meetings of the Review Board. The Vice-Chair shall preside if the Chair is not present.

- b. At the beginning of each meeting of the Review Board, the Chair shall appoint a recording secretary to record the decisions and other relevant actions of the Review Board during that meeting.

9. Privilege and Confidentiality

- a. Because the Review Board operates under the aegis of the District's legal counsel, each Member of the Review Board is bound by privilege in all the Board's actions and deliberations, including any documents or testimonies it reviews or considers.
- b. The files of the Review Board are the property of the District. The Brother Visitor, the Chair, and the District's legal counsel shall have access to the Review Board's files. The Review Board's files shall be stored in a locked location designated by the Brother Visitor. If a Review Board Member needs to review any materials in order to carry out his or her role as a member of the Review Board, the Member shall contact the Brother Visitor, legal counsel, or Chair and make arrangements to review the necessary materials. The requested materials should not be copied or retained by the Member, and shall be returned to the file upon the completion of the review.
- c. Upon appointment to the Review Board a Member shall sign a Certification stating that he or she will not retain Board materials, outside of the agenda and minutes, beyond the conclusion of a Review Board meeting. Additionally, the Member shall not retain any Review Board materials after the conclusion of his or her service on the Review Board. A copy of each Member's Certification will be maintained in the Review Board files. (See Exhibit A, Certification).
- d. The Brother Visitor and the Review Board shall respect the right to confidentiality and privacy of a Brother as recognized in civil and canon law, especially with regard to access to documents or statements governed by principles of manifestation of conscience, attorney-client privilege, physician-patient privilege, and other materials for which written release is required.
- e. The identity of an individual involved in a matter before the Review Board, including a Brother, shall be excluded from the minutes and the annual report of the Board.

10. Annual Meetings

- a. The Review Board shall hold an annual meeting to review the Safety Plans of Members and the policies and procedures established by the District for the protection of minors.
- b. The Chair shall arrange this meeting in consultation with the Brother Visitor, so that the Brother Visitor, all Brothers with Safety Plans, and all supervisors of Brothers with Safety Plan receive timely notice of this meeting and so that all Brothers with Safety Plans and their supervisors are able to submit information for consideration and requests for modifications of Safety Plans.
- c. At the annual meeting the Brother Visitor will report to the Review Board regarding each Brother who has a Safety Plan. The report will include the Brother's overall response to the Safety Plan and information about all violations of the Safety Plan.

11. Other Meetings

The Brother Visitor shall call a meeting of the Review Board:

- a. If he proposes to change the work assignment or Safety Plan of a Brother at times other than the annual meeting;
- b. When the investigation into an allegation of sexual abuse is complete;
- c. When a new Safety Plan is proposed for a Brother; or
- d. For other reasons as needed.

12. Operating procedures Regarding Meetings

- a. The Review Board may meet in person, by telephone, or by other electronic means.
- b. An absolute majority of Members of the Review Board must be present in person or by voice communication for a meeting to make a recommendation to the Brother Visitor.
- c. All sessions of the Review Board shall be in closed session unless in a particular instance the Chair requests otherwise and the Brother Visitor concurs.
- d. The date on which a Review Board reviews a Safety Plan must be recorded in the Safety Plan.
- e. Subject to the approval of the Brother Visitor, the Members of the Review Board may establish procedures to regulate their meetings and internal matters.

13. Recommendations

- a. All recommendations of the Review Board shall be made to the Brother Visitor.
- b. The recommendations of the Review Board to the Brother Visitor shall be documented.
- c. The Brother Visitor shall inform the Review Board about his decision regarding the recommendations.

14. Communications

- a. In order to help protect the privileged nature of the matters reviewed and discussed by the Review Board, agendas and minutes should be provided in hard copy only.
- b. Electronic communications concerning matters under the purview of the Review Board shall be limited to the scheduling of meetings and exigent circumstances. Those electronic communications that are exchanged shall be immediately deleted.
- c. Should any Member's electronic communications regarding Review Board business be inadvertently sent to or intercepted by a third-party with no right to access the information, that member shall notify the Chair and the Brother Visitor of the subject disclosure immediately after it is discovered. The Chair, the Brother Visitor, and the District's legal counsel will work with the Member to make every effort to ameliorate any damage that may have occurred as a result of the disclosure.
- d. The recording secretary appointed at a meeting shall forward a complete copy of the agenda, minutes, and other documents for that meeting to the legal counsel at the time such documents are published.

15. Reporting

Each Review Board Member is required to report any case of sexual abuse in accord with this Policy and civil law. Review Board Members need not report matters which have already been reported.

16. Media

Because of the privileged nature of the information provided to them in working under the aegis of legal counsel Review Board Members may not respond to media or any other inquiries. All media inquiries will be referred to the Brother Visitor.

17. Conflicts of interest

- a. Any Review Board Member who is related by blood or marriage to, in any kind of employment, financial, or business relationship with, in any kind of professional or spiritual counseling relationship with, or who would have any other conflict of interest or the appearance of a conflict of interest with the alleged victim or the accused Brother, shall inform the Chair of the conflict and recuse himself or herself from all deliberations concerning the particular matter in question.
- b. If a Member does not recuse himself or herself because of a conflict of interest, a majority of the other Members present may require the member to recuse himself or herself.
- c. Any Review Board Member who determines that he or she has a conflict of interest or the appearance of a conflict of interest with the District itself or with the work of the Review Board, shall inform the Brother Visitor and the Chair of the conflict and shall resign from the Review Board.

18. Payment and Reimbursement

- a. The Review Board Members will serve as volunteers.
- b. The District shall reimburse all Review Board Members for reasonable expenses incurred in attending meetings of the Review Board or in otherwise performing their duties as Members of the Review Board.

19. Indemnification

The District shall indemnify any member of the Review Board who is made or threatened to be made a party to a proceeding by reason of the former or present official capacity of the person as a Member of the Review Board against judgments and reasonable expenses, including attorney's fees, incurred by the person in connection with the proceeding, if, with respect to the acts or omissions of the person complained of in the proceeding, the person acted in good faith, received no improper personal benefit, or in the case of a criminal proceeding, did not have reasonable cause to believe the conduct was unlawful, and reasonably believed that the conduct was not opposed to the best interests of the District.

Section F. Communication

1. Spokesperson

There will be only one spokesperson who officially coordinates all public communications regarding matters related to allegations of sexual abuse in the name of the District.

2. Public Statements

The Brother Visitor will determine whether to issue public statements regarding those Brothers who have been restricted. This determination will include the content of any statement and the manner in which the statement will be communicated.

3. Adherence to Diocesan Policies

If an allegation arose in the context of ministry or employment in a diocesan entity the District will adhere to the policies of the diocese regarding communication with the communities affected by the allegation.

Section G. Documents

1. Documents Related to Allegations

- a. The District must document all allegations of abuse by a Brother and a timely, compassionate, and pastoral response to all individuals who allege abuse by a Brother.
- b. The District will document any circumstances that make it impossible for a meeting with an alleged victim to occur, or for the offer of such a meeting to be made. The District will document any form of pastoral assistance offered pursuant to this Policy.
- c. The District will document that all allegations and reports of abuse of minors have been investigated and presented to the Review Board. If an investigation was not possible or necessary in response to an allegation the reason will be documented.
- d. When an allegation against a Brother is not established following an investigation the District will document the efforts to restore the good name of the Brother.

2. Documents Related to Safety Plans

- a. The District will document a Brother's refusal to sign his Safety Plan.
- b. The District will document compliance with Safety Plans.

3. Annual Communications

- a. The District will document the occurrence of the Brother Visitor's annual visit with each brother in the District.
- b. The District will document the Brother Visitor's annual communication with the appropriate authority of any organization outside of the District that employs a Brother.

4. Confidential and Privileged Documents

- a. The District may not release to a third party, including an investigator and the Review Board, without the written consent of the Brother, any materials, protected by attorney-client privilege or another legally recognized privilege, including but not limited to:
 - ii. Medical records;
 - ii. Psychological records;
 - iii. Legal documents provided by the Brother; and
 - iv. Notes or written records of conversations with the Brother regarding matters of canonical privacy.
- b. All documents concerning an allegation of sexual abuse by a Brother are maintained in a confidential file to which only the Brother Visitor controls access.
- c. A notation is placed in the personnel file of the Brother noting that such a confidential file exists. The notation should indicate whether or not sexual abuse by the Brother was established.
- d. If a Brother has a Safety Plan, the complete Safety Plan is kept in the confidential file. Additionally, a copy of only that portion of the Safety Plan specifying the supervisor, the consequences of non-compliance, and the duration is kept in the personnel file of the Brother.
- e. In the event that a different person assumes the role of supervisor, the previous supervisor returns to the Brother Visitor the copy of the complete Safety Plan and any other materials that had been provided to him by the Brother Visitor.

In signing this Policy for Maintaining Ethical Ministry with Minors I am indicating that I have read and understood this Policy.

Printed Name of Brother

Signature of Brother

Date

EXHIBIT A

CERTIFICATION

I hereby certify that all materials received and/or reviewed pursuant to my duties as a member of the Christian Brothers of the Midwest Review Board will be kept privileged. Recognizing the privileged nature of these materials, I swear that I will return all materials, except the Review Board's governing documents and a copy of the agenda and minutes, to the Chair of the Review Board at the conclusion of each meeting. Upon the conclusion of my term on the Review Board, I will not retain any materials received or created pursuant to my position on the Review Board.

Signature _____

Date _____

Printed Name _____