

CHARTER MANDATE AND GUIDELINES OF THE ALLEGATION REVIEW COMMITTEE

Approved July 2022

CHARTER MANDATE:

Dioceses/eparchies are also to have a review board that functions as a confidential consultative body to the bishop/eparch. The majority of its members are to be laypersons not in the employ of the diocese/eparchy (see Norm 5 in *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, 2006). This board is to advise the diocesan/eparchial bishop in his assessment of allegations of sexual abuse of minors and in his determination of a cleric's suitability for ministry. It is to review regularly diocesan/eparchial policies and procedures for dealing with sexual abuse of minors. Also, the board can review these matters both retrospectively and prospectively and give advice on all aspects of responses in connection with these cases (Article 2. *Charter for the Protection of Children and Young People*, 2018).

MEMBERSHIP:

The Diocesan Allegation Review Committee (ARC) is composed of a majority of laypersons with outstanding integrity and good judgment in full communion with the Church and not employed by the Diocese, its parishes or schools. At least one member is the diocesan Vicar General and one member should have particular expertise in the treatment of sexual abuse of minors. Total membership of the ARC will be no fewer than five (5) and no more than fifteen (15).

The diocesan Chancellor or other senior staff member of the Diocese of Des Moines directed by the Bishop shall provide support to the ARC, attending and participating in meetings, but has no vote. The Diocese shall provide additional staff as necessary.

The Bishop shall appoint members to a five-year term, renewable once. If a vacancy occurs, the Bishop shall appoint a replacement. The ARC shall stagger terms to avoid major turnover in a given year. Terms begin July 1. New members will undergo an orientation on ARC responsibilities.

When possible, the ARC will include members expert in civic law, law enforcement, childhood education and development, and should reflect geographic and gender diversity.

No member of the ARC will receive compensation but members will be reimbursed for necessary expenses.

RESPONSIBILITIES

The Allegation Review Committee has three responsibilities:

- 1) Advise the Bishop in his assessment of allegations of clerical sexual abuse of minors and in his determination of a cleric's suitability for ministry. Offer advice on all aspects of these cases, either retrospectively or prospectively.
- 2) At the discretion of the Bishop, advise him on allegations of inappropriate conduct by clerics other than those involving sexual abuse of minors.
- 3) Annually review diocesan policies and procedures for dealing with sexual abuse of minors.

Responsibilities of individual members of the Allegation Review Committee:

- 1) Attend regularly scheduled and special ARC meetings at the designated location in the Diocese. Electronic and/or phone attendance is permissible.
- 2) Keep abreast of matters related to the sexual abuse of minors and/or church policy relating to the sexual abuse of minors. Be familiar with The Charter for the Protection of Children.
- 3) Read the Diocese of Des Moines Code of Conduct for Personnel and Policy Regarding Sexual Abuse of Minors By a Member of the Clergy, and sign a verification of receipt of the policies indicating agreement to follow same.
- 4) Prepare for meetings by reading and analyzing all information. Communicates with all members of the ARC as needed.
- 5) Maintain confidentiality of all matters related to the ARC as described below in the Confidentiality section.

OFFICERS

The ARC elects from its membership a chairperson and a vice chairperson. These positions will serve two-year terms and may serve five consecutive terms. Elections will be conducted during the last meeting of the fiscal year and terms will begin with the new fiscal year (July 1st). The chairperson convenes and presides at meetings. The vice-chairperson will perform these functions when the chairperson is unable to do so.

The Chancellor or some other senior staff member of the Diocese will act as recording secretary of the ARC. The recording secretary provides minutes that reflect the actions of the ARC on the proposed agenda of the meetings, the individuals in attendance, the decisions made, and the next steps. Minutes are kept in the administrative offices of the Diocese. All documents relative to a specific case provided to the ARC will be collected at the conclusion of the meeting.

The Chairperson and Chancellor will coordinate communications with the victim, the public, the alleged offender, and the Diocese.

MEETINGS

Meetings shall be held at least twice annually or more frequently, as necessary.

Meetings will be at locations within the Diocese and may also be electronic or via the phone. Excessive absence by a member may result in replacement by the Bishop.

Agendas will be provided to the ARC at least five (5) days prior to the meetings.

Minutes of the meetings will be provided to the ARC in a timely manner.

The Chairperson, or another member of the ARC designated by the Bishop, may speak – in collaboration with the diocesan Director of Communications – on behalf of the ARC to the press. No other members may publicly comment on ARC business without authorization by the Bishop.

The ARC may permit the attendance of non-members for purposes of presenting information or addressing the ARC. The ARC, in its sole discretion, shall establish format and procedures for such appearances.

The ARC may establish committees as necessary.

ARC recommendations to the Bishop will be made by consensus.

CONFIDENTIALITY

A member shall not intentionally disclose or use nonpublic information acquired in the member's capacity as a member of the ARC for any purpose unrelated to the member's duties on the committee. "Nonpublic information" means information that is not available to the public; and may include, but is not limited to, all information defined as confidential in the Essential Norms, the Charter for the Protection of Children, the Diocese' Policy of Sexual Abuse of Minors By a Member of the Clergy, and/or these protocols.

The records of the ARC meetings and actions will be maintained confidentially by ARC members. All documents used by the ARC are confidential working documents of the ARC. No documents will be disseminated unless specifically approved by the Bishop or the ARC.

A member agrees to be bound by the confidentiality and nondisclosure provisions of these bylaws, both during and after their term of office on the ARC, and shall sign a Confidentiality Agreement attesting to comply.

All files, records, and other documents coming into the possession of a member during the course of their service on the ARC will be maintained in such a way as to ensure their confidentiality and safekeeping.

Remarks of other ARC members made during discussions or deliberations will not be repeated or disclosed by members except to the Bishop or his designee.

MEMBER DISQUALIFICATION

A member shall disqualify himself or herself in any proceeding in which the member's impartiality might reasonably be questioned.

A member may also disqualify himself or herself, without explanation, by submitting a written notice of disqualification to the Chairperson.

GUIDELINES:

An allegation of sexual abuse of a minor may be made to the Diocese in variety of ways: directly to the Victim Assistance Advocate, to the diocesan offices, to the Bishop or other diocesan official, or to a pastor or other staff member in a parish or school. Allegations can also be made directly to law enforcement or child protective agencies, in the public or through social media, even through hearsay.

All diocesan and parish staff will be instructed to assist the victim in contacting the Victim Assistance Advocate who will help the victim to process a complaint. For an allegation against a living priest, the appropriate response is to always contact law enforcement.

The ARC reviews all allegations of abuse and the victim's report of the alleged abuse.

If the Bishop determines, with the help of the ARC, that there is a semblance of truth to the allegation, that is, the accusation is not manifestly false or frivolous, the Bishop will initiate a preliminary investigation.

The Bishop will appoint an investigator during the preliminary investigation to gather information about the allegation with regard to facts, circumstances, and imputability. The investigator often uses the expert services of others (i.e. private investigator) to assist with the investigation.

The investigator will promptly submit a comprehensive written report to the Bishop.

The ARC assists the Bishop as he reviews the allegation and associated information which comes to light during the preliminary investigation.

The ARC determines whether the Policy has been followed.

The ARC will offer a written report to the Bishop as to whether the best information available supports a reasonable belief that the allegation is true.

The ARC will advise the Bishop on the cleric's suitability for ministry.