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Subject: MINISTERIAL REVIEW BOARD (MRB)		
Reference: MRB Fitness Factors		Distribution: Emailed to MRB and posted on website.
Archbishop Signature: <i>+ Bernard A. Hebda</i>		

I. Purpose

Since 1995, a Review Board has existed in the Archdiocese of Saint Paul and Minneapolis to serve as a resource to the Archbishop and his staff in regard to responding to clergy misconduct and reviewing policies related to clergy misconduct. This board has proven to be a valuable resource as we resolve allegations of misconduct in a manner that is fair and just. Lay professionals who volunteer their time and expertise to serve on this board make a great contribution to the work of the Church.

The Ministerial Review Board (MRB) will continue to serve as a resource to the Archbishop and his staff in regard to all clergy misconduct and fulfill the requirements of the Civil Settlement Agreement with the Ramsey County Attorney's Office and the *Charter for the Protection of Children and Young People* and the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*.

II. Definitions

“Archbishop” means the sitting Archbishop of St. Paul and Minneapolis (or the appointed Apostolic Administrator).

“Director” means the Archdiocese employee responsible for managing Archdiocese processes for handling allegations of clergy misconduct and for leading the Office of Ministerial Standards and Safe Environment.

“Ministerial Review Board” means the advisory, consultative body assembled to advise the Archbishop and his staff regarding clergy misconduct. The Ministerial Review Board may also review and offer recommendations regarding Archdiocese policies and processes relating to misconduct.

III. Policy

The MRB shall serve as a confidential, advisory, consultative body to advise the Archbishop and his staff regarding clergy misconduct.¹ The MRB shall provide its expertise and assist as requested with developing policies and appropriate mechanisms to further ensure the protection of minors.²

At all times, the MRB shall be free to carry out its responsibilities within the authority granted to it herein and in accordance with the *Charter for the Protection of Children and Young People* and the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*.

1. Membership and Composition

The MRB shall be made up of at least seven members, with at least five persons who are in full communion with the Church, and the majority of whom will be lay persons who are not in the employ of the Archdiocese.³

Membership shall include an experienced pastor of the Archdiocese and a lay person with professional experience in the treatment or investigation of sexual abuse of minors. Membership may also include persons with experience or training in ministry, law, victimization, health care, mental health treatment, law enforcement, jurisprudence, human resources, business, management, education or other relevant fields. All members must be of outstanding integrity and good judgment.

The Director shall consult with members of the MRB and the Victim Assistance Coordinator to identify candidates for a vacancy on the MRB. The Director shall consider recommendations made by the Ramsey County Attorney in the appointment of members of the MRB. The Director shall recommend candidates to the Archbishop, who shall appoint board members in consultation with the Director.⁴

The names and credentials of the MRB members shall be provided to the Ramsey County Attorney's Office.⁵

Members are appointed by and serve at the pleasure of the Archbishop. The Archbishop or the Director shall meet with members to prepare them for their duties. The Archbishop or the Director may designate the role of each member and shall name one of its members to function as Chair and another to function as Vice-Chair.

¹ *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* (Revised 2011), No. 4.

² See Settlement Agreement, section 2.3; 10.4., dated December 12, 2015 between the Archdiocese of St. Paul and Minneapolis and Ramsey County Attorney, Ramsey County District Court File No.: 62-JV-15-1674; County Attorney File No.: 2138749

³ *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* (Revised 2011), No. 5.

⁴ See Settlement Agreement, section 10.1; 10.5. dated December 12, 2015 between the Archdiocese of St. Paul and Minneapolis and Ramsey County Attorney, Ramsey County District Court File No.: 62-JV-15-1674; County Attorney File No.: 2138749 and Amendment to Settlement Agreement, section 5, dated July 19, 2016.

⁵ See Settlement Agreement, section 10.6. dated December 12, 2015 between the Archdiocese of St. Paul and Minneapolis and Ramsey County Attorney, Ramsey County District Court File No.: 62-JV-15-1674; County Attorney File No.: 2138749.

The members will receive a letter of appointment from the Archbishop for a term of office for five years, which term is renewable.⁶ In his discretion, the Archbishop may make appointments for terms of less than five years.

Members are expected to provide objective judgments regarding matters before the MRB and to attend meetings, either in person or via teleconference, videoconference or other suitable means. A member's frequent absence from MRB meetings may result in the Chair or the Director recommending that the Archbishop remove such member.

2. Promoter of Justice

The Promoter of Justice may participate in the meetings of the MRB. The Promoter of Justice is not a member of the MRB, but may attend the meetings to help ensure and safeguard the integrity of the process, specifically regarding matters related to canon law.⁷

3. Other Participants

With the consent of the Archbishop, the Chair or Director may designate others to participate in the MRB process as necessary or appropriate. Such participants shall have a voice in the meetings of the MRB, but shall not have a vote regarding the recommendations of the MRB.

4. Staffing and Support

The MRB will be provided with sufficient staff and support from the Office Ministerial Standards, the Office of the Vicar for Clergy or other offices designated by the Archbishop or the Director to undertake its responsibilities. The Archbishop or the Director may specifically designate a staff member to attend MRB meetings to provide assistance. An assigned staff member shall have no voice in the meetings of the MRB other than as determined by the Chair or Director, and shall not have a vote regarding the recommendations of the MRB.

The Director and the MRB may confer with Archdiocesan internal legal counsel regarding matters of ministerial standards and Safe Environment, but are not required to do so. The Director's budget has funding for the MRB as a body to retain outside legal counsel for assistance with any MRB duties, solely regarding the matters of ministerial standards and safe environment.⁸

5. Meetings

The MRB shall have regularly scheduled meetings. The Archbishop, the Director and the Chair have the authority to continue, suspend, cancel or schedule additional meetings as necessary, including convening emergency meetings.

Minutes shall be taken at each MRB meeting. Minutes shall be retained and filed by the Director and shall include: (1) date and times of meetings; (2) identification of all attendees; (3) a listing of agenda items; (4) a

⁶ *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* (Revised 2011), No. 5.

⁷ *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* (Revised 2011), No. 5.

⁸ See Settlement Agreement, section 13.11 dated December 12, 2015 between the Archdiocese of St. Paul and Minneapolis and Ramsey County Attorney, Ramsey County District Court File No.: 62-JV-15-1674; County Attorney File No.: 2138749

brief summary of any advisory assessments on clergy; and (5) a brief summary of consultation by the board on any other matter.⁹

6. Investigation and Review Process

Reporting to civil authorities must be made in accordance with civil law. The Archdiocese shall cooperate fully with civil authorities in any investigation.

The MRB is not an investigatory body. It is a confidential, advisory, consultative body that advises the Archbishop and the Director regarding alleged misconduct by clergy, including misconduct relating to the sexual abuse of a minor, sexual misconduct with adults, other sexual improprieties, lewd behavior, pornography, boundary violations, gambling, drug or alcohol misuse, financial misdeeds, Code of Conduct violations, and other allegations of misconduct.¹⁰

Allegations of sexual abuse of a minor must be presented to the MRB in accordance with the *Charter for the Protection of Children and Young People* and the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*. The MRB has the authority to consider other allegations of misconduct, and also has the authority to delegate matters involving unsatisfactory work performance or relatively minor misconduct for resolution to the Director or other Archdiocesan officials as it deems appropriate.

In each case where a cleric has been found not guilty of criminal conduct by civil authorities, or has been investigated by civil authorities without prosecution, the Archdiocese shall make an independent inquiry into and determination of the given cleric's fitness for ministry.¹¹

For matters under its consideration, the MRB reviews allegations, considers evidence, evaluates the validity of allegations, and offers advice and recommendations, as appropriate, to the Director and the Archbishop. The MRB's recommendations may relate to a cleric's suitability for ministry and may include restrictions, supervision or other suggested actions. Prior to offering recommendations, the MRB may request additional information. The MRB may advise on all aspects of matters under its consideration, whether retrospectively or prospectively.¹²

In assessing a cleric's suitability for ministry, the MRB may consider any factors it deems appropriate to assist in the restoration of justice and the reform of the cleric,¹³ including the following: (1) nature and severity of misconduct/behavior, (2) type of actual harm, (3) duration of misconduct/behavior, (4) recurrence of misconduct/behavior, (5) passage of time since misconduct/behavior, (6) effect of misconduct on others, (7) likelihood of future harm, (8) self-awareness/honesty, (9) acceptance of responsibility/remorse, (10) corrective actions taken/proof of rehabilitation, (11) amenable to changing behavior, (12) mental health/psychological

⁹ See Settlement Agreement, section 10.3. dated December 12, 2015 between the Archdiocese of St. Paul and Minneapolis and Ramsey County Attorney, Ramsey County District Court File No.: 62-JV-15-1674; County Attorney File No.: 2138749

¹⁰ See Settlement Agreement, section 10.2.a. dated December 12, 2015 between the Archdiocese of St. Paul and Minneapolis and Ramsey County Attorney, Ramsey County District Court File No.: 62-JV-15-1674; County Attorney File No.: 2138749

¹¹ See Settlement Agreement, section 7.2. dated December 12, 2015 between the Archdiocese of St. Paul and Minneapolis and Ramsey County Attorney, Ramsey County District Court File No.: 62-JV-15-1674; County Attorney File No.: 2138749

¹² See Settlement Agreement, section 10.2.b. dated December 12, 2015 between the Archdiocese of St. Paul and Minneapolis and Ramsey County Attorney, Ramsey County District Court File No.: 62-JV-15-1674; County Attorney File No.: 2138749. See also *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* (Revised 2011), No. 4.c.

¹³ 1983 Code of Canon Law, c. 1341.

evaluation, (13) physical health, (14) current support system, (15) availability of an environment to succeed in, (16) presence of multiple challenges, (17) future community impact.¹⁴

Where a preliminary investigation under canon law has been undertaken, the Archbishop or the Director may seek the MRB's assessment of the allegations and recommendations as to an appropriate resolution to the allegations.

Members must maintain strict confidentiality about MRB matters.

7. Recommendations

The MRB shall make recommendations in a written report to the Director. The process for making such recommendations, either by consensus, vote, or some other means, is to be determined by the MRB.

After considering the MRB's Report and Recommendations, the Director shall make a recommendation in a written report to the Archbishop. The Director shall provide both the Director's Report and Recommendations and the MRB's Report and Recommendations to the Archbishop.

After considering the advice and recommendations of the MRB and the Director, the Archbishop shall determine what further processes or actions, if any, are to be undertaken to resolve the misconduct allegation and any related issues.

Where there have been allegations of sexual abuse of a minor by a cleric, fitness for ministry determinations are to be made by the Archbishop upon recommendations from the Director and the MRB. If the Archbishop, after considering these recommendations, determines a cleric is unfit for ministry based on a substantiated claim of sexual abuse of a minor, the Archdiocese shall not recommend such cleric to another religious organization, and shall notify an inquiring organization of the determination regarding fitness for ministry.¹⁵

The Archbishop has final decision making authority. The Director shall advise members of the MRB of the final action by the Archdiocese in each case after the board's review and recommendation.¹⁶

As requested by the Archbishop or the Director, the MRB may review policies on clergy misconduct and offer recommendations for policy and process improvements.¹⁷

¹⁴ See Settlement Agreement, section 10.2.b. dated December 12, 2015 between the Archdiocese of St. Paul and Minneapolis and Ramsey County Attorney, Ramsey County District Court File No.: 62-JV-15-1674; County Attorney File No.: 2138749

¹⁵ See Settlement Agreement, section 7.3.a. dated December 12, 2015 between the Archdiocese of St. Paul and Minneapolis and Ramsey County Attorney, Ramsey County District Court File No.: 62-JV-15-1674; County Attorney File No.: 2138749

¹⁶ See Settlement Agreement, section 10.2.c. dated December 12, 2015 between the Archdiocese of St. Paul and Minneapolis and Ramsey County Attorney, Ramsey County District Court File No.: 62-JV-15-1674; County Attorney File No.: 2138749

¹⁷ See Settlement Agreement, section 10.4. dated December 12, 2015 between the Archdiocese of St. Paul and Minneapolis and Ramsey County Attorney, Ramsey County District Court File No.: 62-JV-15-1674; County Attorney File No.: 2138749