

Roman Catholic Diocese of Brooklyn

310 Prospect Park West, Brooklyn, NY 11215

Diocesan Review Board Bylaws

By authority of Article 2 of the USCCB’s Charter for the Protection of Children and Young People (the “Charter”) and Essential Norm 4 of the USCCB’s Essential Norms for Diocesan / Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons (the “Norms”), and after consultation with the Bishop of the Diocese of Brooklyn (the “Bishop”), the Diocesan Review Board (the “DRB” or “Board”), adopts and shall be governed by the following bylaws:

I. Purpose and Responsibilities

1. The Board functions as a **confidential consultative body to the Bishop**. The role of the DRB is not investigatory; rather, it evaluates evidence presented to it by investigator(s) or other sources. The responsibilities of the Board may include:
 - a. Advising the Bishop in his assessment of allegations of sexual abuse of minors by clergy members (“Allegations”); these Allegations include accessing images of sexual abuse of minors.
 - b. Advising the Bishop in his determination of the suitability for ministry of clergy members accused of sexual abuse of minors.
 - c. Reviewing diocesan policies related to sexual abuse of minors as needed.
 - d. Advising the Bishop, as requested, on all aspects of addressing such Allegations, whether retrospectively or prospectively.

II. Membership

A. Voting Members

1. The voting members of the DRB (“Voting Members”) will be composed of at least five persons of outstanding integrity and good judgment in full communion with the Church.
2. The majority of the Voting Members will be lay persons who are not employed by the Diocese of Brooklyn (the “Diocese”).
3. At least one Voting Member should be a priest who is an experienced and respected pastor of the Diocese.
4. At least one Voting Member should have particular expertise in the treatment of the sexual abuse of minors.
5. The remaining Voting Members may consist of individuals with other relevant experience, such as law enforcement, judiciary, corporate executives, mental health care providers, attorneys, teachers, parents of victims and victims of sexual abuse.

6. The Voting Members are officially appointed by the Bishop for a term of up to five years, which may be renewed at the discretion of the Bishop, in consultation with the Voting Member.
7. For purposes of continuity, terms will be staggered so that no more than one-third of the Voting Members' terms expire in a single year. Voting Members may be appointed to terms of less than five years if necessary to maintain this staggered structure.
8. Voting Members may resign prior to the expiration of their term by notifying the Chair of their resignation in writing. When practicable, Voting Members should provide thirty (30) days' notice of such resignation.
9. Any Voting Member may be removed by the Bishop for good cause, such as if they have three or more unexcused absences in a calendar year, or if, after a reasonable investigation, the Bishop determines that the Voting Member breached their confidentiality obligations.
10. The Bishop, his advisors, or members of the DRB may nominate individuals to fill a vacancy for a Voting Member in the DRB's membership caused by death, resignation, or expiration of a term by informing the Bishop in writing of the nomination.
11. When making nominations, consideration must be given to the diversity of competencies necessary for the Board's work.
12. After reviewing the nominations, the Bishop will interview and appoint new members to fill any vacancies.

B. Non-Voting Members

1. The diocesan Promoter of Justice, the Vicar for Clergy, and the DRB Administrator¹ shall attend and participate in all meetings of the DRB as Non-Voting Members.

C. Non-Members

1. DRB meetings are confidential and no one other than Members may attend, except at the discretion of the Bishop.
2. The Bishop may, at his discretion, designate other persons to attend DRB meetings. These individuals may include, but are not limited to, the Vicar General, Diocesan

¹ The DRB Administrator is an individual employed by the Diocese who is responsible for facilitating the DRB's processes, including scheduling meetings, coordinating with the assigned investigators, ensuring proper communication between the DRB and the Diocese, and ensuring that all members timely receive investigation reports.

Chancellor, Diocesan Attorney(s), Director of the Office for the Protection of Children and Young People (“OPCYP”), and investigators.

D. Committees

1. The Board may, from time to time, establish committees of its membership, either standing or ad hoc, to carry out its responsibilities. With consent of the Bishop, non-Members may be added to committees as consultants, without voting rights.

III. Meetings

A. Time and Place

1. The DRB will normally meet ten times per year. Additional meetings may be called by the Chair at any time, including at the request of the Bishop. Meetings may also be canceled by the Chair at their discretion, including if the Chair determines there are no items to discuss.
2. Meetings will be held in person at the Diocese’s chancery office when possible, and all arrangements will be made by a designated chancery office staff member. If a meeting must be held at another location, the DRB Administrator, or their designee, will notify the Members as soon as practicable. If necessary, Zoom or other videoconference options may be provided to attendees by the Diocese.
3. Ample notice of each meeting shall be given to all members, preferably electronically, by the Secretary and/or the DRB Administrator.
4. Prior to the meeting, the Secretary and/or DRB Administrator will provide all meeting attendees with the agenda, minutes of the prior meeting, and any other relevant materials.

B. Procedures

1. A quorum shall consist of a majority of the Voting Members. A quorum is required for all matters before the Board.
2. The DRB acts only collectively. No individual Member may act on behalf of the Board.
3. The Chair shall use best efforts to ensure that the Board complies with a modified version of Robert’s Rules of Order, in the good faith judgment of the Chair.
4. Unless otherwise provided in these Bylaws, no motion shall be adopted by the DRB unless it receives a vote of at least the majority of the Voting Members present.

C. Closed Sessions

1. Any and all deliberations among Members regarding Allegations shall be conducted during closed sessions. Closed sessions may also be held on any other topic at the direction of the Chair or on a motion by any Voting Member that is approved by a majority vote.

2. All Voting Members may attend closed sessions unless they have been excluded pursuant to the Conflicts of Interest procedure described herein.
3. Non-Voting Members may attend closed sessions, unless any Voting Member objects.
4. Non-Members shall not be present during closed sessions, unless (i) a Member requests the non-Member's presence during the closed session; (ii) the non-Member is not an investigator; and (iii) no Member objects.
5. Investigators are not permitted to attend closed sessions under any circumstances. If a Member wishes to consult with the investigator during deliberations, the Board will exit the closed session for the purpose of such consultation, and will excuse the investigator and re-enter the closed session after the consultation is finished.

D. Conflicts of Interest

1. If any individual invited to a closed session, whether Member or non-Member, has a potential conflict of interest, such as a personal relationship with the accused clergy member, the individual with the potential conflict of interest shall be obligated to alert the Members of the conflict prior to entering the closed session.
2. If any Member objects to the potentially conflicted individual attending the closed session, the individual may not attend the closed session.
3. If the potentially conflicted individual attends the closed session, but the individual does not believe that they are able to objectively and impartially consider the evidence presented, the individual shall abstain from voting on any issue potentially affected by the conflict in any way.

E. Confidentiality

1. Members will hold Board discussions in confidence.
2. Members shall not discuss the contents of any Board discussion, whether during an open or closed session, or share any documents received in connection with the Board, with any person other than (i) the Bishop or his designee; (ii) other Members; or (iii) non-Members who were present for the discussion at issue, or who received the documents at issue.
3. All members will execute a Confidentiality Agreement.

F. Meeting Minutes

1. The Secretary shall prepare minutes of each DRB meeting. If the Secretary is absent, the Vice Chair, or other Member designated by the Chair, shall prepare the minutes.
2. The minutes should include, at minimum, the date and time of the meeting, the meeting attendees, a summary of the topics discussed, the determinations or recommendations made to the Bishop, if any, and the rationale for the actions taken.

3. Minutes of Board meetings shall be reviewed by the Chair and distributed to the Board and the DRB Administrator prior to the next scheduled meeting for approval at that meeting.
4. Minutes must be approved pursuant to the below procedures to become final:
 - a. A majority of the Voting Members who attended the meeting described in the minutes must vote to approve the minutes.
 - b. Voting members who did not attend the meeting described in the minutes must abstain from voting on the approval of the minutes.
 - c. Prior to approval, voting members may move to amend the minutes, which amendments shall be accepted if a majority of the voting members who attended the meeting described in the minutes vote to approve them.
5. The final minutes shall be retained by the Secretary, and copies shall be distributed to the Bishop and the DRB Administrator. The DRB Administrator shall also retain copies of the approved final minutes of each meeting at the Diocese's chancery office.

G. Determinations and Recommendations

1. When the DRB makes a determination regarding an Allegation, or any other recommendation to the Bishop, such determinations or recommendations shall be made in a letter prepared by the Secretary, as set forth below:
 - a. ***Determination Letters.*** If the Board makes a determination regarding an Allegation, the Secretary is responsible for drafting a letter setting forth that determination (a "Determination Letter"). The Determination Letter and/or its enclosures shall set forth (i) the DRB's determination regarding the sufficiency of the evidence of the allegation; (ii) the DRB's determination regarding the suitability for ministry of the accused clergy member, if any; and (iii) a summary of the reasons the DRB came to its conclusion(s). The Determination Letter shall enclose a completed copy of the DRB Checklist, and may enclose other documentation, such as an investigation report, that the DRB believes is relevant to enable the Bishop to understand and implement the determination, if he chooses to do so.
 - b. ***Recommendation Letters.*** From time to time, the Board may make recommendations to the Bishop that do not constitute a determination regarding Allegation, *e.g.*, in furtherance of its responsibility to review diocesan policies on sexual abuse of minors as needed (a "Recommendation Letter"). Recommendation Letters shall contain or enclose all information the DRB believes is relevant to enable the Bishop to understand and implement the recommendation, if he chooses to do so.
2. The Secretary shall submit all Determination and Recommendation Letters to the Chair for approval. The Chair may request edits to any Letter. If a dispute arises as to the content of a Letter that the Chair and Secretary are unable to resolve, the

Chair shall raise the dispute with the full Board via email or at the next meeting. Any disputes shall be resolved via motions for amendments to the Letter, which shall be approved only by a majority vote of the Voting Members present at the meeting.

3. Once the contents of the Letter are approved, the Chair shall sign the Letter and cause the signed Letter to be promptly delivered to the Bishop and DRB Administrator.

IV. Officers

A. Chair

1. **Selection.** The DRB shall be chaired by a Voting Member appointed as Chair by the Bishop for a term not exceeding that Member's term of membership on the Board.
2. **Responsibilities:** The Chair shall:
 - a. Preside at all meetings of the Board;
 - b. Prepare agendas for all meetings of the Board;
 - c. Liaise between the Board and the Bishop; and
 - d. Call special meetings of the Board as necessary.

B. Vice-Chair

1. **Selection:** The DRB shall appoint one of its members to serve as Vice Chair.
2. **Responsibilities:** The Vice Chair shall:
 - a. Perform the Chair's responsibilities in the Chair's absence;
 - b. Coordinate the work of the Board's committees, if any; and
 - c. Develop and conduct an orientation program for new members explaining their responsibilities and tasks.

C. Secretary

1. **Selection:** The Board shall annually elect one of its members to serve a one-year, renewable term as Secretary.
2. **Responsibilities:** The Secretary shall:
 - a. Notify all DRB members of upcoming meetings.
 - b. Coordinate with the DRB Administrator to ensure that all Members receive the meeting details, meeting agenda, meeting minutes, investigation reports

for consideration, if any, and all other supporting documents prior to any scheduled meeting.

- c. Keep minutes of the meetings as described herein.
- d. Draft Determination and Recommendation Letters as described herein.

V. **Timeline for Review of an Allegation**

1. Immediately upon receiving an Allegation through the reporting line, the attorney staffing the reporting line will report the Allegation to the relevant District Attorney.
2. Within 20 business days, the Bishop will determine whether the Allegation is frivolous.
3. Within 5 business days of such determination, the Allegation will be referred to the DRB.
4. Within 5 business days of such referral, the Diocese will retain an independent investigator, absent extenuating circumstances.
5. The investigation shall be performed in a timely manner, with the goal being to complete the investigation in nine months or less.
6. Within 20 business days of the DRB providing its determination to the Bishop, absent extenuating circumstances that are documented in writing, the Bishop will make his written determination as to whether he agrees with the DRB's recommendations.

VI. **Miscellaneous**

1. **Support and Expenses:** The Diocese will provide all required staff assistance to the DRB and pay the necessary expenses of the Board.
2. **Protocols:** The Diocese may promulgate protocols to describe the operations and procedures of the Diocesan Review Board ("Protocols"), by which the DRB must abide. Those Protocols shall not conflict with these Bylaws, and to the extent there appears to be a conflict, these Bylaws shall control. The DRB Administrator will provide copies of the Protocols to Members upon request.
3. **Amendments:** These Bylaws may be amended only with the consent of the Bishop.