Archdiocesan/Religious Review Board: Structures of Communio in the Life of the Local Church
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Introduction

The establishment of (arch)diocesan/eparchial and religious review boards (review board) is a relatively recent phenomenon in our country. The clergy sexual abuse crisis in the United States, Europe, Australia, and indeed elsewhere in the world for over two decades – especially so in the United States since 2002 – has highlighted the need for review boards, the importance of consultation in the Church, the role of participative structures and the urgency to use them effectively.

The tragic and painful events in the Church since that time have provided many lessons for the entire Church, including challenges to Church leadership, especially to bishops and religious superiors to be more open, collaborative, transparent and accountable with their people, and to lay men and women to assume their rightful place in the life and mission of the Church. During his recent visit to Philadelphia, Pope Francis offered compassionate support to those who suffered sexual abuse and to their families. He apologized for the priests and bishops who failed in their responsibility to protect children, and asked that during this Jubilee Year of Mercy, the “Door of Mercy” be opened wide in our dioceses, parishes, homes and hearts, to accompany those who have been abused. He promised always to be vigilant in protecting children today and tomorrow.

This morning, I want to focus my comments on three areas: 1) the nature of consultation in the Church and its importance in the life of the local Church today; 2) the nature and role of the review board, and 3) the relationship of the review board to the diocesan bishop or major superior. Finally, I will offer some practical suggestions for the operation of review boards.

2 Pope Francis, “Francis meets with the Victims of Sexual Abuse,” Vatican Information Service (VIS), September 28, 2015.
Nature of Consultation in the Church

First, the nature of consultation in the Church. In one form or another, consultation has been a part of Church governance since the early days of the Church. It usually involved bishops consulting the diocesan clergy, for example, through the chapter of canons which was a legal/corporate body of priests whose purpose was to assist the bishop as an advisory council. Later the First Plenary Council of Baltimore established the structure of diocesan consultors which ushered in a new approach to consultation in the Church.

The Second Vatican Council’s ecclesiology of the Church as *communio* has led to the development of new forms of “common responsibility” at all levels of the Church’s life. Moreover, the idea of “active participation in the Church” has reached far beyond the area of liturgy and deepened the faithful’s awareness that we are *all* the Church. The theological notion of *communio* reflects the nature and mystery of the Church and its participation in the Trinitarian communion (*LG* 4). The 1985 Extraordinary Synod of Bishops cautioned that the “ecclesiology of communion cannot be reduced to purely organizational questions.” It is not a description of the Church’s structure for such structures are not ends in themselves; but, rather, a means to assist the Church in its mission to be the sign and instrument of communion with God and with others.

Theological basis

Consultation in the Church is rooted in the theological principles reflected in *Lumen gentium*, the Second Vatican Council’s Constitution on the Church, that the Church is the people of God, a people gathered around their bishop, a holy people incorporated into the body of Christ (*LG* 11) with a share in the threefold mission of Christ to teach, to sanctify and to govern (*LG* 31). All members of the Church share a common dignity and the same vocation to holiness. They enjoy a fundamental equality that arises from baptism in Christ (*LG* 32), an equality that precedes all differences of function, charism, or office (*LG* 32). They are called, each according to his or her own particular gifts, to exercise the mission which God has entrusted to the Church to carry out in the world (*LG* 30, 32).

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6 Ibid., 150.
8 Kasper, p. 151.
Canonical principles

This theological framework for consultation in the life of the Church is reflected in fundamental principles found in several canons of the Code of Canon Law. For example, canon 211 states the duty and right of all the Christian faithful "to work so that the divine message of salvation more and more reaches all people in every age and in every land." This call to communion and mission is repeated specifically for lay persons in canon 225 and is the basis for the rights affirmed in other canons to form associations (c. 215), to assemble (c. 215), to take initiative in apostolic activity (c. 216), and to a Christian education (c. 217).

Canon 212 further details the duty and right of the Christian faithful to participate in the inner life of the Church. While obliged to follow what bishops declare as teachers of faith or determine as leaders of the Church, canon 212 expresses the rights of the faithful to make known their needs and desires to their bishops and to express opinions on matters which pertain to the good of the Church. Lumen gentium suggests that making known such opinions "should be done through the institutions established by the Church for that purpose" (LG 37).

Now, fifty years after the close of the Second Vatican Council, it is impossible to overestimate the theological significance of the council’s teaching on the mystery of the Church, the universal call to holiness, and the laity’s participation in the life and mission on the Church. How have post-conciliar papal, episcopal and canonical documents shaped the vision put forth by the council and how do they provide a context for the role of diocesan and religious review boards?

John Paul II: Pastores gregis

St. John Paul II, in the 2003 apostolic exhortation Pastores gregis, characterizes a bishop’s pastoral style of governance, when developed in the context of a “lived ecclesial communion,” as increasingly “open to collaboration with all” (PG 44). The apostolic exhortation describes the interplay between the personal responsibility of the bishop for the good of the Church entrusted to him and the contribution offered by the faithful through consultative structures as a reciprocal one (PG 44). He refers to the sharing of responsibility for the life of the particular Church on the part of the bishop and the faithful as an essential element of the organic structure of ecclesial communion (PG 44).

John Paul II: Novo millennio ineunte

The relationship between shared responsibility and ecclesial communion was also addressed by St. John Paul II at the beginning of the new millennium in

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the apostolic letter *Novo millennio ineunte,* in which he states that “the new century will have to see us more than ever intent on valuing and developing the forums and structures that, in accordance with the Second Vatican Council’s major directives, serve to ensure and safeguard communion” (*NMI* 44). He goes on to describe the theology and spirituality of communion as encouraging a “fruitful dialogue between pastors and the faithful” (*NMI* 45).

**Francis: Evangelii gaudium**

Pope Francis, in his 2013 apostolic exhortation *Evangelii gaudium* (Joy of the Gospel), describes the Church which goes forth as a “community of missionary disciples who take the first step, who are involved and supportive, who bear fruit and rejoice” (*EG* 24). He refers to ecclesial structures that “can hamper efforts at evangelization,” and says that new structures will prove to be ineffective without the infusion of “new life and an authentic evangelical spirit” (*EG* 26).

How do the faithful actually participate in the life of the Church? Do participative structures truly reflect the principle of shared responsibility in the governance of a diocese, religious institute, or society of apostolic life?

**Shared Responsibility**

In a well-known and often cited article on “Shared Responsibility in Ecclesial Decision-Making,” Rev. Robert Kennedy points out the need for a critical analysis of the process of administrative decision-making in the Church. The notion of shared responsibility imparts to the believer responsibility for carrying forward the mission of the Church in partnership with other members of the Church, according to the gifts and functions of each person. Kennedy points out that discussion on decision-making in the Church often seems focused not so much on shared responsibility but on the notion of “power.” Persons who make decisions affecting the life and direction of an ecclesial community are said to have power; while those who have no part in making such decisions are said to be powerless, or without influence in the life of the Church.

For many, shared responsibility comes to mean shared power; and attempts to implement shared responsibility come to be viewed as efforts to take power from

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those who are considered to possess it, namely, those who hold ecclesiastical office in the Church such as bishops, pastors, and leaders of religious institutes.\textsuperscript{12}

The tension surrounding the notion and practice of decision-making in the Church might be lessened by a clearer or more nuanced understanding of what it means to share power and responsibility in the making of decisions. Decision-making power can be narrowly viewed as “choice-making” power, the power to make the final choice or at least participate by deliberative vote in making the final choice. Consultation, on the other hand, can be viewed as something altogether different with little or not enough definitive voice in choosing the final course of action.

Decision-making, however, whether undertaken by an individual acting alone or by a small group or a large community, is a complex process. It involves several stages, only one of which is the making of a final choice, and all of which entail an exercise of influence and power.

Practically speaking, it is within the framework of ecclesial communion and shared responsibility that the review board receives its meaning and its mandate.

**Consultative Structures in the Code of Canon Law**

*What does the Code of Canon Law say about consultative structures?*

The *Code of Canon Law* presents consultation as a fundamental activity in the Church in service to *communio*.\textsuperscript{13} The code requires that certain consultative structures be established in each diocese to assist the bishop in the governance of the diocese and in his pastoral ministry to the local Church. These include the presbyteral council (c. 495), college of consultors (c. 502), diocesan (c. 492) and parish finance councils (c. 537). At the same time, the code leaves to the judgment of the diocesan bishop the establishment of other structures such as diocesan synods (cc. 460-468), and diocesan and parish pastoral councils to the extent that pastoral circumstances warrant such structures (c. 511).

In addition, the episcopal conference might determine that a particular consultative structure be established for all dioceses within its region. Such an action requires at least a two-thirds vote of the members of the conference with a deliberative vote and the *recognitio* of the Holy See (c. 455 §2). Once the Holy See has granted the required *recognitio*, the action may be promulgated as particular law for the region. The review board is such a structure established by the United States Conference of Catholic Bishops (USCCB) and required for each diocese, eparchy, and clerical religious institute and society in the United States.

\textsuperscript{12} Ibid., p. 7.
In November 2002 the bishops of the United States approved a revised text of the Charter for the Protection of Children and Young People (hereafter Charter) and the Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons (hereafter Essential Norms). Following the grant of the recognitio by the Congregation for Bishops (CIC c. 455§2), Essential Norms was promulgated by the president of the USCCB in December 2002 as particular law for the dioceses and eparchies of the United States.

In June 2005, the Charter and Essential Norms were revised with Essential Norms approved by the Congregation for Bishops in 2006 donec alter providetur (until provided for otherwise), and promulgated as particular law for the dioceses and eparchies of the United States.

Meanwhile at the level of the universal Church, in April 2001, John Paul II promulgated the motu proprio Sacramentorum sanctitatis tutela (hereafter SST). This significant papal document clarified and updated the list of canonical crimes that had traditionally been dealt with by the Congregation for the Doctrine of the Faith (crimes against the faith, that is, heresy, apostasy and schism; as well as most serious crimes, or graviora delicta, against the sacraments). These delicta included crimes connected with solicitation in confession, and grave crimes of sexual abuse of minors by clerics. The motu proprio thus required all cases involving sexual abuse of minors by clergy to be reported to the Congregation for the Doctrine of the Faith (CDF) for its guidance and coordination of an equitable response on the part of Church authorities.

In 2010, after nine years of experience applying the norms of SST to thousands of cases, the Congregation for the Doctrine of the Faith proposed modi-
lications to the 2001 legislation to enable the law to deal more effectively with the complexities of the cases. The revised norms were promulgated by Pope Benedict XVI in May 2010. A year later, in May 2011, the Circular Letter to Assist Episcopal Conferences in Developing Guidelines for Dealing with Cases of Sexual Abuse of Minors Perpetrated by Clerics was promulgated by the Congregation for the Doctrine of the Faith.\(^\text{18}\) The letter invited the episcopal conferences throughout the world to address various aspects of this issue: e.g., the canonical discipline of clergy who are guilty of such crimes; standards to evaluate the suitability of clergy and other persons who minister in Church institutions; oversight for educational programs to ensure the protection of children and young people from the crime of sexual abuse; and how to be pastors to victims of sexual abuse among their flocks who may appeal for remedy or help.\(^\text{19}\)

In June 2011, the U.S. bishops approved additional revisions to the Charter and Essential Norms to conform to the 2010 motu proprio Sacramentorum sanctitatis tutela and the 2011 Circular Letter to Assist Episcopal Conferences in Developing Guidelines for Dealing with Cases of Sexual Abuse of Minors Perpetrated by Clerics.

**Charter and Essential Norms**

There are several elements regarding the canonical authority of the Charter and Essential Norms that relate directly to the nature and authority of the review board:

- Together they form a unity but are different in nature.

- The Charter contains an extensive declaration of intent on the part of the bishops regarding future policies and provides a framework for the implementation of Essential Norms.

- Essential Norms is canonical legislation approved by the bishops and the Apostolic See and promulgated as particular law for the dioceses, eparchies, and clerical religious institutes and societies of the United States.

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• While the bishops bound themselves to follow the provisions of the Charter, it is Essential Norms that is legally (canonically) binding on each diocesan bishop/eparch/major superior.

• Both the Charter and Essential Norms require each diocesan bishop, eparch and major superior of clerical religious institutes and societies to establish a review board as a confidential, consultative body in his handling of matters relating to allegations of sexual abuse of minors by priests and deacons.

Application of the Charter and Essential Norms to Clerical Religious Institutes

Following the approval of the Charter and Essential Norms in 2002 there was much discussion among religious superiors as to the application of Essential Norms to clerical religious institutes and societies. Footnote 1 of Essential Norms (2002) stated that the term “religious ordinary” shall be substituted for the term bishop/eparch mutatis mutandis (the necessary changes having been made) though nowhere in the document was provision made to address distinctions between religious and diocesan clergy. In the 2006 revision of Essential Norms clerical religious institutes and societies of apostolic life were added explicitly to the list for which the norms applied. In addition, footnote 1 was revised to read: “when a major superior of a clerical religious institute or society of apostolic life applies or interprets [the norms] for the internal life and governance of the institute or society, he has the obligation to so according to the universal law of the Church and the proper law of the institute or society.”

In 2002, the members of the Conference of Major Superiors of Men (CMSM) pledged their commitment to the protection of children and young people. Though not bound by the then-recently approved Charter of the U.S. bishops, they declared: “we honor the values and principles of the Dallas Charter and we seek to apply them to the unique situation of men’s religious institutes in the

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20 Essential Norms, footnote 1: “These norms constitute particular law for the dioceses, eparchies, clerical religious institutes, and societies of apostolic life of the United States with respect to all priests and deacons in the ecclesiastical ministry of the Church in the United States. When a major superior of a clerical religious institute or society of apostolic life applies and interprets them for the internal life and governance of the institute or society, he has the obligation to do so according to the universal law of the Church and the proper law of the institute or society.” http://www.usccb.org/issues-and-action/child-and-youth-protection/upload/Charter-for-the-Protection-of-Children-and-Young-People-revised-2011.pdf. In the 2002 approved version of Essential Norms, footnote 1 simply stated: “In applying these Norms to religious priests and deacons, the term ‘religious ordinary’ shall be substituted for the term ‘bishop/eparch’ mutatis mutandis.”
Church.” The CMSM developed the *Instruments of Hope and Healing Program* which provided standards for the protection of minors from sexual abuse, outreach to victims, development of review boards, and supervision of members credibly accused of sexually abusing minors. It hired Praesidium Religious Services to develop accrediting standards and an independent accreditation program for religious institutes. In 2013, the members of the CMSM documented improvements in their protection of children and acknowledged that their efforts have been done in “full cooperation with the guidelines, procedures and documents of the Catholic Church, including the *Charter for the Protection of Children and Young People* adopted by the United States Conference of Catholic Bishops in June 2002.”

Thus it became clear that the requirement in the *Charter* and *Essential Norms* for a review board applies not only to dioceses and eparchies but also to clerical religious institutes and societies of apostolic life in the United States. Local circumstances and the availability of resources, however, influence how this requirement is implemented in institutes and societies. Some join with other institutes or societies to form inter-congregational review boards or regional review boards. Others bring provinces together for service by a single board. Larger institutes and societies may have their own review boards while smaller institutes and societies may utilize the services of diocesan review boards as needed. Review boards that serve clerical religious institutes and societies are similar to diocesan review boards in nature and function though they may differ in structure and responsibilities.

### Nature and Authority of the (Arch)diocesan Review Board

The *Charter* and *Essential Norms* refer to the review board as a “confidential, consultative body to the [diocesan] bishop [major superior] in discharging his responsibilities” (art. 2; norm 4). It has a responsibility to offer advice to the diocesan bishop and major superior. Its task is an advisory one. It is extra-judicial, that is, it is outside the ordinary judicial process.

The May 2011 Circular Letter from the Congregation for the Doctrine of the Faith *To Assist Episcopal Conferences Regarding Guidelines for Dealing with Cases of Sexual Abuse of Minors Perpetrated by Clerics*, provides suggestions to both diocesan bishops and major superiors on various procedures in Part III of the letter. When emphasizing the consultative nature of review boards, the letter offers an important observation in stating that “consultative bodies of review and

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22 Conference of Major Superiors of Men, “*Instruments of Hope and Healing*: Eleven Years of Work and Reflection by the United States Male Religious on the Tragedy of Sexual Abuse within the Catholic Church,” Annual Assembly, August 2013.
discernment” are not to take the place of the diocesan bishop’s or major superior’s discernment and his power of governance (potestas regiminis) in individual cases. In other words, the diocesan bishop or major superior cannot relinquish or hand over his authority to the review board in cases of clerical sexual abuse of minors.

Functions of Review Board

The Charter and Essential Norms assign three functions to diocesan review boards but neither document indicates that the list is all-inclusive or exhaustive. The functions include advising the diocesan bishop or major superior in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry; reviewing diocesan or institute policies for dealing with sexual abuse of minors; and offering advice on all aspects of these cases, whether retrospectively or prospectively.

Language of Essential Norms

Whatever functions the bishop or major superior assigns to the review board, however, should be consistent with the board’s role as a consultative body with the responsibility to offer advice to the diocesan bishop or major superior regarding cases of sexual abuse of minors by priests and deacons. Other appropriate functions might also include, for example, advising the diocesan bishop or major superior on a program for the protection of children or on the pastoral response to those who allege to have been sexually abused by a cleric. For superiors, it might also include review of the safety plans for members when the sexual abuse of a minor has been established, the appropriate work and activity suitable for members on safety plans, members’ compliance with their safety plans, as well as any proposed changes in existing safety plans, and an annual report to the major superior.

Role of Review Board

In practice, the function of the review board is to review and evaluate the findings and facts presented to it in a particular case and to assess whether the proofs are sufficient to support the probable nature of the allegation, and to make recommendations regarding the accused cleric’s suitability for ministry (EN, norm 4). The role of the review board is not investigatory in nature; that responsibil-

23 Circular Letter, III, f., 41.
24 Essential Norms states that “the functions of this board may include …” norm 4.
ity belongs to the diocesan bishop or major superior, the promotor of justice, or the individuals with investigative experience to whom the bishop or superior entrusts the investigation. The board receives the investigator’s report, evaluates the evidence gathered by the investigator(s) and offers advice to the bishop or major superior.26 The review board is neither a jury nor a courtroom; it is an advisory body to the bishop or major superior.

When an allegation is received the responsibility to investigate the allegation in dioceses and institutes and societies may be assigned to an intervention team, an outside investigator, a member of the institute or society, or other persons. The results of the investigation should be reported to the diocesan bishop or major superior, the promotor of justice and the review board for a recommendation and determination on how to proceed with the case. At times, the investigator might be invited to present the report and respond to questions from the members of the review board.

In order that the board might carry out its functions responsibly, it is important that the diocesan bishop or major superior ensure that members of the board receive the necessary information regarding an allegation and an alleged perpetrator in order to make an informed recommendation regarding both the allegation(s) and the accused cleric’s suitability for ministry. It is important that the review board make an independent recommendation apart from the bishop or superior.

After the review board makes its recommendations to the diocesan bishop or major superior, its involvement with a particular case is generally complete. In some instances, the bishop or superior might seek further clarification from the review board regarding its recommendations. If new information concerning a particular case becomes available at a later time, the review board may be asked to review the information.

The diocesan bishop, having received the review board’s advice, should not act contrary to it unless there is a reason which, in his judgment, is an overriding one.27 At the same time, bishops and superiors should exercise caution and prudence in evaluating the recommendations of review boards especially when the recommendations are in support of removing the priest from ministry.28 If the bishop or superior decides not to follow the counsel of the review board, he might state his reason(s) to the board for not doing so, though the law does not

27 See CIC, c. 127; CCEO, c. 934.
require him to do so (c. 127). If the bishop’s or superior’s votum differs from the recommendation of the review board, he should indicate this along with his reasons in the cover letter to the Congregation for the Doctrine of the Faith.

After making his determination regarding the credibility of an allegation, the diocesan bishop or superior should proceed as outlined in the canonical process found in the revised norms of the apostolic letter Sacramentorum sanctitatis tutela (SST) and the Normae de gravioribus delictis. The process is a complex and technical one, yet one that respects the rights of all persons involved. The current praxis in the U.S. is that following the canonical process, many, if not most, offenders who are members of clerical institutes and societies are not dismissed but remain members of the institute or society with restrictions enumerated in the member’s safety plan.

Membership, Size and Composition of (Arch)diocesan/Religious Review Board

Let us consider some practical aspects of Board membership, size and composition.

The Charter and Essential Norms provide some guidance regarding the make-up of the review board in stating that members “will be lay persons who are not in the employ of the diocese” (art. 2; norm 5). Essential Norms also specifies that membership include at least five persons of “outstanding integrity and good judgment in full communion with the Church,” an experienced pastor of the diocese, and an expert in the treatment of sexual abuse. Beyond these qualities, the Charter and Essential Norms are silent on further specifications.

Members

Members of diocesan review boards are generally appointed by the diocesan bishop or major superior, perhaps following consultation with the superior’s council or others that the bishop or superior consider appropriate. The letters of appointment might include information regarding the members’ role, term of office, schedule of meetings, background materials, lists of review board members and contact person(s), and other relevant information. The letter might also indicate whether or not the bishop or superior intends to release the names of the members of the review board to the public and the reasons for his decision.

The number of members serving on review boards varies from very small to somewhat large. Workload and manageability are important considerations in determining the size of the review board. While review boards with fewer members may be more manageable, larger size review boards may be organized into smaller groups (subcommittees) for the handling of cases. Besides workload and manageability considerations, the pastoral needs of the diocese, institute or soci-
ety and the availability of resources often determine the size of the review board. Though many dioceses had established review boards prior to the approval of the Charter and Essential Norms, the large number of cases in some dioceses in the early 2000’s suggested the need for larger boards to handle the cases in an effective and efficient manner. With the very welcome decrease in the number of new cases, the workload of many review boards has lessened in recent years.

Beyond the membership requirements of the Charter and Essential Norms, the composition of review boards varies across the country. Some review boards include representation from law enforcement, the judiciary, and health care providers. Some review boards also include attorneys, sex abuse prevention counselors, business executives, mental health practitioners, psychologists, teachers, social workers, parents of victims of sexual abuse, and victims.

On boards where membership exceeds the required five persons in full communion with the Church (EN, norm 5), some review boards might also include non-Catholic members or consultants such as, for example, professional persons who are not Catholic but have an expertise that is needed on the board, or leaders of other faiths who bring an experience and objectivity from their respective faith communities.

*Ex officio*

Diocesan bishops and major superiors have also included *ex officio* participants on review boards. One example is the promotor of justice. The role of the promotor, appointed by the diocesan bishop for individual cases or for all cases in which the public welfare is involved, is to foster and “safeguard the public good” (CIC, c. 1430; CCEO, c. 1094), that is, for the protection of the rights of all concerned and for the good of the Church. Norm 5 of Essential Norms makes it possible, even desirable, that the promotor of justice participate in the meetings of the review board as a resource to ensure and safeguard the integrity of the canonical processes.29 The procedures for the operation of the review board should clarify the relationship of the promotor of justice to the review board. For example, when the promotor is permitted to speak or offer suggestions to the board. Since religious institutes and societies do not often have a promotor of justice, a major superior might inquire about appointing the promotor of justice for the diocese where the board meets to serve as an *ex officio* (non-voting) member of the review board.

The diocesan bishop or major superior may wish to appoint other *ex officio* (non-voting) participants to the review board such as, for example, the victim assistance coordinator, a canonical advisor, or other resource persons to assist the review board in carrying out its responsibilities. Additionally, the attorney for

the diocese or institute might be invited as a resource in meetings of the review board as appropriate.

What is essential is that the review board be free to carry out its responsibilities within the authority afforded it according to Essential Norms and the Charter. The process for offering advice and determining its recommendations should be free from intimidation or the appearance of any such pressure.

Diocesan Bishop/Major Superior and Review Board

The authority of the diocesan bishop or major superior is an important consideration in the effective functioning of the board.

The diocesan bishop, according to the universal law of the Church, is the chief pastoral leader and key authority figure in the diocese. He possesses all the “ordinary, proper, and immediate power” (CIC, c. 381 §1; CCEO, c. 178) he needs to carry out his pastoral ministry in the diocese entrusted to him. However, his power is not absolute. In exercising his pastoral leadership role in the diocese, universal Church law and the particular law of the diocese identify specific structures which the diocesan bishop may be required to consult on certain administrative matters. There are also structures recommended by universal law as well as other structures the diocesan bishop might establish as consultative bodies in the diocese in light of local circumstances. These consultative bodies assist the diocesan bishop in discharging his governance responsibilities and carrying out his pastoral ministry.

Major superiors of clerical institutes and societies possess power by virtue of their office; they exercise their authority according to the universal law of the Church and the proper law of the institute or society. Major superiors have the personal authority to decide and to take action (c. 618), a right that is not diminished by participative pre-decisional processes. Each major superior has his own council (c. 627) which assists the superior in carrying out his responsibilities.

30 The diocesan/eparchial bishop’s power is ordinary (related to his office as bishop), proper (exercised in his name) and immediate (exercised without mediation of another person).
31 For example, the diocesan bishop/eparch is to consult the presbyteral council on affairs of greater importance concerning the life of the faithful and the governance of his diocese (CIC, c. 500 §2; CCEO, c. 269 §2). In addition to affairs of great importance defined by the diocesan bishop, matters for which canon law requires that the presbyteral council be consulted are: CIC, cc. 461 (convocation of a diocesan synod), 515 §2 (establishment, suppression and alteration of parishes), 1215 §2 (building churches), 1222 §2 (relegating a church to secular use), and 1263 (taxes).
32 See, for example, the canons on diocesan pastoral councils (CIC, cc. 511-514).
Relationship of the Review Board and Diocesan Bishop/ Major Superior

How does the review board relate to the diocesan bishop or major superior? As a “confidential, consultative body,” the review board assists the diocesan bishop or major superior in his assessment of allegations of sexual abuse of minors and his determination of the priest’s or deacon’s suitability for ministry (Charter, art. 2; EN, norm 4). Other advisory functions of the board, as was mentioned earlier, may include review of sexual abuse policies, programs for the protection of children, or review of safety plans for members of institutes or societies.

Among the ways in which the diocesan bishop or major superior exercises his authority in relation to the review board include establishment of the review board, appointment of the members of the review board, appointment of the chairperson (and vice-chairperson, if applicable) of the review board (or delegation of the selection process to the review board), appointment of the promoter of justice, approval and promulgation of the diocesan or institute’s policy on sexual abuse of minors following review by the board, approval of review board statutes and/or policies as well as changes in them, and determination regarding allegations of sexual abuse of minors by priests and deacons following review and recommendation by the board.

Interaction

Diocesan bishops and major superiors interact in various ways with their review boards, though they consistently rely on the advice offered by the members of the board and are supportive of the work of their respective boards. Some bishops and superiors, for example, valuing the importance of the objectivity of the review board in making its recommendations, may seldom interact directly with the members of their boards. Others interact directly with their review boards in varying degrees ranging from attendance at review board meetings on occasion (e.g., to receive the board’s recommendation on particular allegations or suitability for ministry), to attending every meeting of the review board. Some review boards in dioceses or institutes which have experienced the appointment of one or perhaps more than one new diocesan bishop or major superior since the establishment of the review board, have found it necessary to adapt to the differing policies and/or governance styles of the new bishop or superior. At the same time, newly appointed bishops and major superiors, after considering a variety of factors, might modify past practices of interaction with the review board.

There is no standard for the level of participation by the diocesan bishop or major superior in meetings of the board. He might consider how his presence impacts the work of the board, his confidence in the functioning of the board, his personal style in relating to the board, as well as the needs of the diocese or institute or society. It would seem that since the review board is established to advise the bishop or superior, direct communication and contact between the
board and the bishop or superior is important at some point during the board’s deliberation on particular cases, in order to avoid misunderstandings and confusion. The responsibility of diocesan bishops and major superiors to ascertain that the safety of minors and vulnerable adults is assured in schools, parishes and other Church institutions is a serious obligation, one that cannot be handed over to review boards, but one in which the competence, expertise, and wisdom of the review board can play an essential role.

**Policies**

It is critically important that the diocese, institute or society develop policies and procedures to guide the functioning of the review board. These policies might include a statement regarding confidentiality of proceedings, communication with the media (who has authority to speak to the media), record-keeping (minutes, summaries of actions), the process for arriving at recommendations (e.g., by consensus, voting), interviews with victims and the accused cleric or deacon and the requirements for such interviews, use of technology such as teleconferencing/web-conferencing circumstances, frequency of meetings and attendance requirements, non-member attendance at meetings (who and under what conditions), and the nature, scope and retention of the materials distributed for review by review board members.

One policy that I believe is of utmost importance to the effectiveness of the review board is the orientation and training of board members. Most members of review boards are selected for a particular expertise. Diocesan bishops and major superiors should not assume that the people they appoint to their review boards have an adequate understanding of their role and that of the board, the meaning of consultation in the Church, and the canonical processes to be followed in cases of clerical sexual abuse of minors. An orientation program that addresses the nature of the board; its responsibilities; its relationship to the bishop or major superior; the respect to be given the accuser, the accused, and the diocese, institute or society is essential for the proper handling of cases of clerical sexual abuse of minors.

Review boards play a critical role in the handling of cases of sexual abuse of minors by diocesan clergy and members of clerical institutes and societies. Currently, religious institutes and societies seek accreditation from outside agencies that review the handling of cases by major superiors and their respective review boards according to standards developed by the agencies in conjunction with the Conference of Major Superiors of Men. Each institute and society must demonstrate compliance with the standards in order to receive accreditation which is reviewed and renewed every three or five years.

Dioceses, unlike clerical religious institutes and societies, do not participate in a process of accreditation by an outside accrediting agency. They are, howev-
er, audited annually by a national firm for compliance with national and diocesan policies for reporting and handling of cases of clerical sexual abuse of minors. Since the initiation of the accrediting process and the annual audits, significant progress continues to be made in addressing clerical sexual abuse of minors in the Church. Though both diocesan bishops and major superiors are strongly urged to participate in the audit and accrediting process, respectively, neither the USCCB nor the Conference of Major Superiors of Men has the necessary jurisdictional authority to require participation in these programs. This lack of oversight for dioceses and clerical institutes and societies has at times led to inadequate functioning of some boards, a lack of proper procedure in others, and infrequent meeting schedules in still others.33

While the functions of the review board are enumerated in the *Charter* and *Essential Norms*, the day to day operation of these bodies varies from diocese to diocese, institute to institute, and society to society. Would more common and consistent standards improve the functioning of all review boards? Perhaps so, but not necessarily. It would seem that, given the broad diversity of structure, size, and resources that exists among dioceses and clerical institutes and societies, it may be unrealistic to expect that common policies and procedures could be applied consistently to all review boards.

However, it would seem both timely and appropriate for dioceses, clerical institutes, and societies to undertake what Pope Francis calls “a renewal of structures demanded by pastoral conversion.” Assessment of their review boards might highlight issues that continue to arise regarding the precise nature of the board, its canonical relationship to the diocesan bishop or major superior, and the scope of its authority and responsibility. In moving forward to address clerical sexual abuse of minors it will be important for the boards’ effectiveness and for the relationship between diocesan bishops, major superiors and their review boards, that a spirit of openness, shared responsibility, transparency, and accountability characterize their collaborative efforts to ensure the protection of children.

**Conclusion**

I want to conclude with the words of Pope Francis in his February 2015 *Letter to Presidents of Episcopal Conferences & Superiors of Institutes of Consecrated Life & Societies of Apostolic Life Concerning the Pontifical Commission for the Protection of Minors*. In the letter he states that: “everything possible must be done to rid the Church of the scourge of the sexual abuse of minors and to open pathways of reconciliation and healing for those who were abused” … by taking

the necessary steps “to ensure the protection of minors and vulnerable adults, and to respond to their needs with fairness and mercy.”

The service of review boards for your dioceses, institutes and societies can be one effective means of providing such protection now and in the future.

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