

## **Review Board Terms of Reference**

### **A. Mandate**

1. The Review Board has a two-fold mandate:
  - a. To receive all active reports of sexual abuse or sexual misconduct by priests or deacons – whether the cleric in question is in active ministry or not, alive or dead – and to advise the Roman Catholic Archbishop of Vancouver (“Archbishop”) if, in their judgment, any active case is not being adequately handled.
  - b. To pay particular attention to reports involving living clerics, and especially those who are still in active ministry, and to make recommendations to the Archbishop regarding:
    - i. what restrictions should be placed on the respondent when an active report has been received
    - ii. whether a report has the semblance of truth and warrants further investigation, and, once an investigation is complete:
      - (1) whether the accusation is credible
      - (2) what measures the Archbishop should consider taking as a result of the findings of the investigation.
2. The Review Board acts in an advisory capacity to the Archbishop. The Archbishop will weigh the Review Board’s recommendations with the seriousness befitting this significant expression of collaboration and ecclesial communion.

### **B. Board Membership**

3. The Archbishop will appoint the members of the Review Board. Laypeople shall make up the majority of its membership: qualified men and women of diverse ethnic, professional and faith backgrounds.
4. The Chair of the Review Board will be a layperson, appointed by the Archbishop for a three-year term.
5. Clerics and employees of the Archdiocese on the Review Board shall never constitute a majority of its members.
6. Members are appointed for a three-year term, which can be renewed indefinitely.
7. Members can be added and removed at the Archbishop’s discretion.
8. The Review Board may recommend new members to the Archbishop, who decides whether to make the appointment.

9. The Vicar General, Archbishop's Delegate for Serious Misconduct by Clergy, the Chancellor, and Archdiocesan legal counsel are permanent, *ex officio* members.
10. The minimum membership of the Review Board shall be nine (including, in addition to the permanent members, at least five laypeople not employed by the Archdiocese). The maximum number of members is eleven.
11. Names and brief descriptions of the members of the Review Board will be made public on the Archdiocesan website.
12. While the Archdiocese strongly encourages victims/survivors of sexual abuse to join the Review Board, the Archdiocese will not publish personal information about any member who is a victim/survivor, only that there are victims/survivors on the Board.

### **C. Scope**

#### ***Cases before the courts for deceased clerics***

13. For cases that are before the courts or reasonably anticipated to be litigated (civil or ecclesial), regarding alleged abuse by deceased clerics or those who have already lost the clerical state, the Review Board shall be informed, but shall not make any deliberations or recommendations on them while the cases are in progress.

#### ***Cases before the courts for living clerics***

14. For cases that are before the courts or reasonably anticipated to be litigated (civil or ecclesial) regarding alleged abuse by living clerics, the Review Board has some involvement. While the litigation – anticipated or not – is proceeding, the Archbishop may seek the Review Board's advice on matters including, but not limited to, what constraints to place upon the cleric.

#### ***Cases not before the courts for deceased clerics***

15. For reports not before the courts and that are not anticipated to be litigated (civil or ecclesial) regarding alleged abuse by deceased clerics or those who have already lost the clerical state, the Review Board will monitor the case. In such cases, the Review Board may advise the Archbishop on whether such a case is credible based on a balance of probabilities, whether such a case is being investigated adequately, and whether the care the reporting person is receiving from the Archdiocese (if applicable) is reasonable based on the information known, or if further care from the Archdiocese to the reporting person should reasonably be offered.

#### ***Cases not before the courts for living clerics***

16. For reports not before the courts and that are not anticipated to be litigated (civil or ecclesial) regarding alleged abuse by living clerics, the Review Board has a primary interest. In such cases, the Review Board may advise the Archbishop whether such a case is credible based on a balance of probabilities, whether the administrative

restrictions placed on the respondent are reasonable, adequate and just, whether such a case is being investigated adequately, and whether the care the reporting person is receiving from the Archdiocese (if applicable) is reasonable based on the information known, or if further care from the Archdiocese to the reporting person should reasonably be offered.

### ***How the Review Board Evaluates Cases***

17. If the Archbishop commissions an investigation into a case, the Review Board will review and consider the final report in its deliberations and recommendations to the Archbishop.
18. The Archbishop may ask the Review Board to evaluate a case in which a civil court action has resolved or in which a respondent was found not guilty in criminal court. Cases in which a criminal court finds the respondent guilty are *de facto* credible.
19. For a case that was investigated internally or is associated with a resolved civil court action:
  - a. The Review Board may advise the Archbishop whether or not it finds the accusation credible based on a balance of probabilities.
  - b. An accusation against a cleric who is dead or is so incapacitated that he cannot make a statement in his own defense must have corroborating evidence or a second witness for the Review Board to find it credible. The Archdiocese may still offer support to the reporting person, even if the Review Board finds that the report is not credible.
  - c. If the Review Board finds the report credible, it may make recommendations to the Archbishop on limitations to be placed upon the accused cleric, including but not limited to removal from ministry (temporary or permanent) and publication of information regarding the accused cleric.
20. If the Review Board finds the report credible, it may make recommendations to the Archbishop that the name of a cleric be made public. It will base its decision upon:
  - a. The legal requirements of privacy legislation.
  - b. Any legal advice that the Archdiocese has received regarding the publishing of names.
  - c. "Information" that would be published includes:
    - i. The cleric's full and all names by which he has been known, his date and place of birth, and his date of ordination.
    - ii. A brief summary of the type of abuse.
    - iii. The number of known victims, their sex, and whether they were minors or adults.
    - iv. The terms of any judgement or restrictions on the cleric (including restrictions on ability to minister, wear clerical garb, etc.).



21. For reports of sexual misconduct that cannot be investigated (e.g., anonymous complaints with insufficient information to identify the cleric being accused), the Review Board will determine when the case should be considered closed.
22. The Archdiocese shall inform the Review Board of any reports it receives of a sanctioned cleric not respecting the restrictions or limitations that the Archbishop has placed upon him and may make further recommendations to the Archbishop on additional or further actions in such a case.
23. The Review Board may recommend changes to Archdiocesan policy, particularly the Policy on Sexual Misconduct by Clergy, and to the Safe Environment program, and other policies and programs that touch on matters of clergy sexual misconduct.

#### **D. Meetings**

24. The Review Board will meet, in person or virtually, at least quarterly.
25. The Review Board may be called at any time to address cases that require immediate attention, in the opinion of the Archbishop in consultation with the Review Board Chair, the Archdiocesan General Counsel, and the Archbishop's Delegate for Serious Misconduct by Clergy.

#### **E. Voting and Decisions**

26. The Review Board will strive to reach a consensus on its recommendations to the Archbishop.
27. When the Review Board cannot reach a consensus, the Review Board will tell the Archbishop that it was a split decision, and supply the majority and minority decisions and the ratio of the split.

#### **F. Reporting and Records**

28. The Review Board will prepare and provide confidential minutes of its meetings to the Archbishop's Delegate for Serious Misconduct by Clergy.
29. Although during Review Board meetings the names of reporting people and respondents will be used freely, the minutes will refer to cases before the Review Board only by a coded system. The minutes will be filed in Archdiocesan archives with a key that relates the coded case numbers to full case information.
30. It is the responsibility of the Archbishop's Delegate for Serious Misconduct by Clergy to communicate the Review Board's recommendations to the Archbishop.
31. It is the responsibility of the Archbishop's Delegate for Serious Misconduct by Clergy to communicate instructions and questions from the Archbishop to the Review Board.



## **G. Accountability**

32. The Review Board is accountable to the Archbishop.
33. Every member of the Review Board shall treat all information discussed at its meetings with the utmost confidentiality.
  - a. No member of the Review Board shall reveal any detail of any case to anyone outside the Review Board and particularly not to the media. All media enquiries are to be directed to the Archdiocese's media spokesperson.
  - b. If the Archbishop makes public his decision on a matter that came before the Review Board, no member shall make any comment, positive or negative, publicly or otherwise, about the decision. Board members must recognize and respect that they are part of a larger process and that their role is an advisory, not a determinative, one.

**Approved: Holy Thursday  
April 14, 2022**

*+ J. Michael Miller CSB*

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**✠ J. Michael Miller, CSB  
Archbishop of Vancouver**