



SUBIACO ABBEY

Program for the Protection of Minors

SUBIACO ABBEY POLICY FOR THE PROTECTION OF MINORS

This Subiaco Abbey Policy for the Protection of Minors (“Policy”) describes the procedures established by Subiaco Abbey (the “Abbey”) for guarding against the sexual abuse of minors and responding to an allegation of the sexual abuse of a minor¹ by a monk of the Abbey. The Abbey promulgates this Policy in order to assure pastoral care to the alleged victim and protect the rights of all involved in any case of alleged abuse. This Policy applies to novices, candidates, claustral oblates, and professed monks of Subiaco Abbey.

Sexual misconduct is contrary to Catholic moral teaching, natural law, a monk’s monastic vows, and civil law. Monks have a responsibility to protect minors from all forms of abuse. When sexual abuse of a minor has been reported, prompt and complete compliance with all canonical and civil legal requirements will be observed.

Recognizing that the sexual abuse has tragic consequences for the victim, as well as for all of those in any way effected by the abuse, the Abbey adopts the following Policy:

1. Acceptance into Novitiate and Formation of Candidates, Novices, and Brothers who have Professed Temporary Vows

- a. Individuals who wish to join the Abbey, including any member of a monastic community seeking a transfer of stability to Subiaco, shall be required, prior to acceptance into the novitiate, to:
 - 1 Provide personal information and history so as to allow for a criminal background check, including specific screening for the sexual abuse of minors. The background check must include every state/county that the candidate has resided in for at least the last seven years, and a completed

¹ A minor is anyone under the age of 18.

national sex offender registry check. Criminal background checks for individuals from outside the United States will be conducted to the best ability of the Abbey;

2. Permit the release of all relevant information concerning his departure from any previous seminary, program of priestly formation, institute of consecrated life, or society of apostolic life to the Abbey. The release that the applicant signs must clearly state that he consents to the sharing of all relevant information from previous formation programs with the Abbey;
 3. Provide the Abbey with four (4) documented personal references, including at least one from a family member;
 4. Provide the Abbey with two (2) professional references;
 5. Submit to face to face interviews with at least four (4) different monks of the Abbey; and
 6. Participate in a psychological evaluation, including the taking of a psycho-sexual history, by an appropriate licensed psychologist with skills in conducting psycho-sexual histories and in assessing psycho-sexual health in preparation for a life that includes celibate chastity. The candidate must allow the psychologist to discuss the findings of the evaluation with the initial formation director.
- b. Requirements (a)(1-5) must be completed prior to involvement in any public ministry as a candidate of the Abbey.
 - c. The requirements of (a)(1-6) must be met prior to entry into the Novitiate.
 - d. The information obtained through (a)(1-6) will be used to specifically screen individuals for a history of sexually abusing or violating the boundaries of minors.
 - e. The Abbey will review all publicly accessible content on all social media, personal blog sites, and web sites associated with accounts controlled by the individual seeking acceptance.
 - f. The Abbot will write to all seminaries attended by the applicant and/or dioceses, institutes of consecrated life, and/or societies of apostolic life with

which the applicant was affiliated to request an oral interview with those persons responsible for the applicant's formation at that time.

- g. When an applicant who was previously enrolled in a program of priestly formation or who belonged to an institute of consecrated life or a society of apostolic life is accepted as a candidate, the Abbot will write a letter to the bishop of any diocese for which the applicant was previously in formation, or the major superior of any institute of consecrated life or society of apostolic life to which the candidate belonged. The letter shall:
 - 1. State that the applicant has been evaluated pursuant to the requirements of this Policy;
 - 2. State that an investigation of the applicant's background has been undertaken, including conversations with officials from any prior formation program in which he was enrolled;
 - 3. State that it is the Abbot's prudential judgment that the applicant is fit for monastic formation; and
 - 4. Explicitly seek from the person to whom the letter is addressed any information which may call into question the Abbot's judgment.
- h. Because the cultural values of the United States are not universal values, as it applies to boundaries and appropriate relationships with minors, the assessment of an individual from a different cultural background will include evaluation of the individual's ability to adapt to the cultural requirements of ministry in the United States.
- i. An individual cannot be permitted to begin a pre-novitiate if he:

- 1. Has an established² allegation of sexually abusing a minor; or

² An allegation is established when, based upon the facts and the circumstances, there is objective certainty that the accusation is true and that an incident of sexual abuse has occurred (*Praesidium Standards for Accreditation*, "Glossary of Terms."). The *Praesidium Standards for Accreditation* add an explanatory note to this term: "Established Allegation is not based upon a "preponderance of the evidence," i.e. more likely to be true than not, which may be established by 51% or more of the evidence. Established Allegation is in keeping with the canonical standard of "moral certitude" which states that major superior recognizes that the contrary (that the allegation is false) may be

2. Has acquired or intentionally viewed child pornography.
- j. A brother who has taken temporary vows or a candidate or novice cannot be allowed to continue in formation if he:
1. Is unable to maintain appropriate boundaries with minors despite guidelines and instruction;
 2. Sexually abuses a minor or acquires or intentionally views child pornography while in formation; or
 3. Is discovered to have sexually abused a minor or acquired or intentionally viewed child pornography prior to his acceptance as a candidate.
- k. Vocation directors and formation directors shall receive adequate training to identify individuals who may be at risk for sexually abusing a minor.
- l. Formation programs will assist brothers who have taken temporary vows and candidates and novices in their ongoing growth toward mature, integrated sexuality as part of their formation for celibate chastity. They will be encouraged to identify and address challenges to maintaining celibate chastity and healthy intimate relationships.
- m. All candidates and novices who have not already done so will participate in at least one educational program, which will include information on the following topics:
1. Self-protection from false allegations of sexual abuse, including what to do when a monk is concerned about being falsely accused;
 2. Preferential and situational type sexual offenders. Materials will be provided stating warning signs associated with both types of offenders;

possible, but is highly unlikely or so improbable, that the major superior has no substantive fear that the allegation is false.”

3. Child pornography, including its nature as a criminal offense and an offense considered under the USCCB document, Charter for the Protection of Children and Young People (“Charter”);
4. Abuse of vulnerable adults, including its nature as an offence considered under the Charter; and
5. How to make a report of known or suspected abuse of a victim who is currently a minor to the appropriate civil authorities under the child abuse reporting laws of the jurisdiction where the monk is assigned.

2. Systems of Support and Accountability

- a. The Abbey will identify and utilize systems of support and accountability for its monks. The Abbot will be able to describe these systems and demonstrate on-going adherence to them.
- b. The Abbot will annually meet with each monk in the Abbey.
- c. For monks who are employed in any organization or in public ministry outside of the specific ministries of the Abbey, the Abbey will communicate annually with the appropriate authority of the organization, will document the communication in some form, and will provide the identity and contact information of the Abbot to the appropriate authority. This communication may be by letter, telephone, email, fax, or in person.
- d. The Abbey will maintain a list of monks who are living outside the Abbey. An individualized system of support and accountability will be implemented for each such monk. If it is not possible to implement such systems, the monk will resume living at the Abbey.
- e. If a monk living outside the Abbey will not conform to an individual system of support and accountability, or resume living at the Abbey, the Abbot will use canonical procedures to encourage the monk to resume living at the Abbey or in conformity with an individual system of support and accountability. The Abbot may consider restrictions on the monk’s lifestyle, limitations on financial support, limitations on the monk’s ministry, and penalties in accord with the norm of law, including dismissal.

- f. When a member of another religious institute begins his candidacy to become a monk of the Abbey, the monk becomes subject to the Abbot and is required to adhere to this Policy and the Abbey's systems of support and accountability.
- g. Religious from other orders or institutes, Benedictines from outside the Abbey, or diocesan clergy, who are residing in a house or community of the Abbey will follow the same protocol on support and accountability as monks of the Abbey.

3. Prohibited Behaviors

Monks are prohibited from:

- a. Using, possessing, or being under the influence of illegal drugs.
- b. Consuming alcohol in excess or being intoxicated while supervising minors. A monk may only consume alcohol in the presence of minors while at a meal or other social event or gathering where it is socially acceptable for a responsible adult to consume alcohol. At least two other adults must be present.
- c. Providing or allowing minors to consume alcohol or illegal drugs.
- d. Swearing or using vulgar or foul language in the presence of minors.
- e. Speaking to minors in a way that is or could be construed by a mature and objective observer as harsh, threatening, intimidating, shaming, derogatory, demeaning, or humiliating.
- f. Discussing sexual activities with minors unless it is a specific job requirement and the monk is trained to discuss these matters.
- g. Engaging in any sexually oriented conversations with minors unless the conversations are part of a legitimate lesson and discussion for minors regarding human sexuality issues. On such occasions, the lessons will convey to youth the Church's teachings on these topics. If youth have further questions not answered or addressed by their individual teachers, they should be referred to their parents or guardians for clarification or counseling.

- h. Being nude or immodestly dressed in the presence of minors.
- i. Possessing sexually oriented or morally inappropriate materials including but not limited to magazines, cards, videos, films, or clothing.
- j. Downloading, accessing, or viewing pornographic materials of any type, particularly child pornography.
- k. Sleeping in the same beds, sleeping bags, or tents with minors.
- l. Engaging in sexual contact with minors. For the purposes of this Policy, sexual contact is defined as vaginal intercourse, anal intercourse, oral intercourse, or the touching of an erogenous zone of another for the purpose of sexually arousing or gratifying either person. For the purposes of this Policy an erogenous zone includes but is not limited to the thighs, genitals, buttocks, pubic region, or chest.

4. Off-Site Events

- a. Monks are prohibited from transporting minors without written permission of their parent or guardian.
- b. Monks are prohibited from unnecessary and/or inappropriate physical contact with minors.
- c. Minors should be transported directly to their destination. No unplanned stops should be made.
- d. Monks are prohibited from having minors stay at their residence. Requests for exceptions should be submitted to the Abbot in writing two weeks prior to the visit.
- e. Changing and shower facilities or arrangements for monks must be separate from facilities or arrangements for minors.

5. Physical Contact

- a. Monks are prohibited from using physical discipline in any way for behavior management of minors. No form of physical discipline is

acceptable, except insofar as restraint may be necessary to prevent minors from inflicting harm on themselves or others. This prohibition includes spanking, slapping, pinching, hitting, or any other physical force as retaliation or correction for inappropriate behaviors by minors.

- b. Appropriate affection between monks and minors constitutes a positive part of Church life and ministry. The following signs of affection may be regarded, under the appropriate circumstances when used with all necessary good judgment, as appropriate for monks in ministry roles with minors:
 - 1. Hugs;
 - 2. Pats on the shoulder or back;
 - 3. Handshakes;
 - 4. "High-fives" and hand slaps;
 - 5. Verbal praise;
 - 6. Touching hands, faces, shoulders, and arms of minors;
 - 7. Arms around shoulders;
 - 8. Holding hands while walking with small children;
 - 9. Sitting beside small children;
 - 10. Kneeling or bending down for hugs with small children;
 - 11. Holding hands during prayer; and
 - 12. Pats on the head when culturally appropriate. (For example, this gesture should typically be avoided in some Asian communities).
- c. Appropriate physical contact happens within the context of a relationship. No physical contact, even those listed above, should be made if it makes the minor feel uncomfortable in any way.
- d. Some forms of physical affection have been used by adults to initiate inappropriate contact with minors. In order to maintain the safest possible environment for minors, the following are examples of inappropriate signs of affection that are not to be used by monks with minors:
 - 1. Inappropriate or lengthy embraces;
 - 2. Kissing on the mouth;
 - 3. Holding minors over four years old on the lap;

4. Touching buttocks, chests, or genital areas;
5. Showing affection in isolated areas such as bedrooms, closets, staff-only areas, or other private rooms;
6. Being in bed with a minor;
7. Touching knees or legs of minors;
8. Wrestling with minors;
9. Tickling minors;
10. Piggyback rides;
11. Any type of massage given by a minor to an adult;
12. Any type of massage given by an adult to a minor;
13. Any form of unwanted affection; and
14. Compliments that relate to physique or body development.

6. Training for Monks who Have Access to Minors

- a. All monks shall review this Policy and agree in writing to comply with the Policy.
- b. Monks who have access to minors must participate in training that addresses their role in protecting minors.

7. Supervision of Programs that Involve Minors

- a. Programs for minors in which monks are involved must be supervised by at least two adults.
- b. Monks in leadership roles shall be aware of all programs for minors that are sponsored by their parish, school, or agency. A list of these programs shall be maintained and include activities, purpose, sponsors or coordinators of the programs, meeting times, and locations. Leaders shall examine these programs and consider whether there is adequate supervision.

8. Interaction with Minors Via Digital Media

- a. Should individual contact with a minor via digital media become necessary in the ministerial setting, the monk will follow the policy of the pastoral employer regarding digital interaction with minors. If the requirements of this Policy and a pastoral employer's policy contradict each other, the monk must follow the stricter of the two requirements. If the pastoral employer does not have a policy regarding digital interaction with minors the monk will adhere to this Policy.
- b. Monks must have written permission from a minor's parent or guardian before contacting the minor via text message, email, social media site, telephone, or other means of electronic or digital communication, or before posting pictures, video, or other information that may identify that minor.
- c. Parents or guardians must have access to everything provided to their children. For example, parents or guardians must be made aware of how social media is being used, be told how to access the sites, and be copied on all material sent to their children via social networking, including text messages and emails.
- d. If a monk receives an unsolicited private electronic or digital communication from a minor, the monk will alert a superior about the private communication and forward the communication. Monks must not respond to the minor except to state that any one-to-one electronic or digital communications are prohibited by the Abbey. If the minor reveals abuse or inappropriate interactions with an adult, the monk must report this information, pursuant to the requirements of this Policy.

9. Monks who Minister to Minors in Apostolates of Other Entities

If an entity where a monk is employed or works has its own policy on appropriate ministry with minors, the monk shall also follow that policy while engaged in employment or work duties. The monk continues to be obligated to follow this Policy.

10. Minors Who Are Family of a Monk of the Abbey

There is more latitude allowed for travel and lodging arrangements, electronic or digital communication, and expressions of affection with minors who are members of the monk's family. These actions typically take place outside of a ministerial context and appropriateness can be guided by family customs and culture.

11. Reporting of Sexual Abuse

- a. Monks must report known or suspected sexual abuse by a monk of the Abbey to the Abbot.³
- b. Monks must also report known or suspected abuse of an individual who is currently a minor to the appropriate civil authority in the state where the abuse is alleged to have occurred, in compliance with current state law and with the Praesidium Standards for Accreditation.
- c. The Abbot will report known or suspected sexual abuse of an individual who is currently a minor to the appropriate civil authority in the state where the abuse is alleged to have occurred, whether or not required by state law, informing any monk who reports the abuse that he will convey the report to the appropriate civil authority.
- d. In conforming with the reporting requirements of this Policy a monk cannot reveal information revealed by another individual during the Sacrament of Reconciliation.
- e. The Abbot or his representative will report known or suspected sexual abuse by a living current or former monk when the victim is no longer a minor, as obligated by the civil laws of the state where the abuse allegedly occurred. The Abbot or his representative will advise victims who are no longer minors of their right to make a report to civil authorities and will encourage them to do so.
- f. A monk should inform the Abbot if he believes that another monk exhibits warning signs of unhealthy boundaries or relationships with minors.

³ In the event an allegation is made against the Abbot the matter shall be referred to the President of the Congregation.

Warning signs in themselves may not constitute reasonable belief that sexual abuse has occurred. The Abbot is responsible for appropriate follow-up to such concerns.

- g. In the event that an allegation concerns a monk from another monastery, a member of another religious order, or a diocesan priest or deacon residing in the monastery, the Abbot will inform the person's superior and, if requested, assist the superior in the investigation of the allegation and in responding to the person making the allegation.

12. Reporting Related to Pornography

- a. Distributing, downloading, or intentionally viewing child pornography of any kind is sexual abuse of a minor in both civil and canon law. Monks must report the known or suspected possession, distribution, downloading, and/or intentional viewing of child pornography to the appropriate civil authority in the state where the activity is alleged to have occurred in compliance with current state law.
- b. Monks must report the known or suspected possession, distribution, downloading, and/or intentional viewing of child pornography by a monk to the Abbot, so that an immediate response can be undertaken.

13. Initial Response to an Allegation of Abuse

- a. Response Team

The Abbot shall form a Response Team which shall be composed of consultants who provide the Abbot with advice and counsel on matters related to sexual abuse. Upon receiving an allegation of sexual abuse against a current, former, or deceased monk, the Abbot will convene his Response Team as soon as possible to provide assistance and guidance in responding to the allegation.

- b. Pastoral Response to the Alleged Victim

1. When the Abbot receives an allegation of sexual abuse against a current, former, or deceased monk, an individual other than the Abbot will provide the alleged victim with an explanation of the procedures the Abbey typically follows in response to allegations.
2. The Abbey will have a designated monk responsible for assisting alleged victims. Such individual will be educated regarding the nature of their role, the effects of sexual abuse, how to provide comfort to those who have experienced sexual abuse, and how to promote healing.
3. The Abbey will respond pastorally to the alleged victim by offering counseling services through a provider identified and paid for by the Abbey.
4. All monks will be provided with a basic procedure for responding pastorally to an allegation of abuse, so that they will understand how to pastorally respond to an individual who alleges sexual abuse, and so they will be able to treat that individual with respect and dignity.
5. When the Abbey first learns about an allegation of abuse, the Abbot will consult the Response Team in order to determine whether to make a personal offer to meet with the alleged victim. If the Abbey first learns about an allegation as a result of legal proceedings, and the alleged victim is represented by legal counsel, any such personal offer would be made through the alleged victim's legal counsel.

c. Communication with the Accused Monk

1. After receiving an allegation of sexual abuse against a monk, the Abbot will meet with the monk. Prior to explaining the allegation, the Abbot will advise the monk that the conversation is not privileged, and, therefore, before responding, the monk may wish to consult civil and canonical legal counsel and, if advisable, have such counsel present for his meeting with the Abbot.

2. The Abbot will inform the monk that the Abbey will provide civil and canonical counsel, as long as the monk agrees to select counsel approved by the Abbey.
3. The Abbot will advise the monk of the nature of the allegation.
4. The Abbot will inform the monk whether the allegation will be reported to civil authorities.
5. The Abbot will discuss with the monk the advisability of immediate psychological evaluation and, if appropriate, psychological care. The Abbot may not require the monk to undergo evaluation or psychological care.
6. The Abbot will request that the monk choose a support person and that the monk inform the Abbot who this support person is.

d. Notification of Others

1. The Abbot will communicate the allegation to the diocesan bishop where the alleged abuse took place and where the monk currently resides, as appropriate.
2. The Abbot will communicate the allegation to the employer of the place where the alleged abuse took place and where the monk is currently employed, as appropriate.

14. Investigation and Determination

- a. When an allegation of sexual abuse is first received, regardless of whether the monk is dead or no longer with the Abbey, the Response Team will conduct an initial investigation to obtain the following information:
 1. The name of the alleged victim;
 2. The age of the alleged victim, both presently and at the time of the alleged abuse;
 3. The contact information for the alleged victim;
 4. The name of the alleged perpetrator;

5. The approximate date or dates of the alleged abuse;
 6. The nature and location of the alleged abuse; and
 7. Information from the files concerning the present and past ministry assignments, and residences of the monk.
- b. If the allegation is not found to be manifestly false or frivolous at the conclusion of the Abbey's initial investigation, the Abbey will remove the monk from any ecclesiastical ministry, meaning any ministry under the authority of the diocesan bishop, and ensure that the monk has no access to minors until a full investigation is completed.
 - c. If the monk denies the allegations, or aspect of the allegation, then the allegation will be investigated to the extent possible, even if the allegation is anonymous. After seeking the advice of the Response Team, the Abbot will determine whether to authorize the hiring of an independent trained investigator who will gather information regarding the allegations.
 - d. When the independent investigator has completed his or her investigation, the investigator will make a confidential written report.
 - e. The Abbot will forward the following information to the Review Board:
 1. The original report or allegation which was submitted to the Abbey;
 2. The final report from the investigation;
 3. Any other allegations involving the monk; and
 4. Any relevant disciplinary actions taken with regard other monk with an explanation of the reasons for such disciplinary actions.
 - f. The Abbey will cooperate with civil authorities that are conducting an investigation of an allegation of sexual abuse of a minor.
 - g. If the matter has been turned over to the civil authorities, the Abbey's independent investigation will be suspended pending the outcome of the civil or criminal investigation, unless, after consultation with civil authorities, it is determined that the continuation of the Abbey's independent investigation will not impede the civil or criminal

investigation, and the civil authorities do not object to the continuation of the independent investigation.

15. Procedures when Sexual Abuse Has Not Been Established

If the fact of sexual abuse by a monk has not been established, the Abbot will:

- a. Issue a canonical decree to this effect;
- b. Reinstate the monk to any responsibilities and duties from which he was temporarily removed, as appropriate;
- c. Make every effort to restore the good name of the accused monk;
- d. Inform the employer of the place where the alleged abuse took place and where the monk is currently employed that no allegation was established, as appropriate; and
- e. Inform the bishop where the alleged abuse occurred and where the monk currently resides and inform him that no allegation was established.

16. Procedures when Sexual Abuse Has Been Established

- a. The Abbot will communicate his decision in writing to the monk and indicate further steps to be taken in this matter.
- b. The Abbot will communicate with the diocesan bishops where the alleged abuse took place and where the monk currently resides, as appropriate. If the monk is relocated to another diocese, the diocesan bishop will be informed.
- c. The monk will not be permitted to work in a parish, school, or any position which allows access to minors. The monk will not be permitted to work in any ecclesiastical ministry.
- d. The Abbot is empowered to determine whether the monk found to have committed abuse will be permitted to use the title of Father, Reverend, or Brother in public, or wear religious or clerical attire.
- e. If an allegation against a candidate or novice is established, the candidate or novice will be dismissed.

- f. If an allegation against a monk in temporary profession is established, appropriate canonical action will be taken and the monk will not be admitted to final profession.

17. Safety Plans

- a. The Abbey will maintain a written, individualized Safety Plan to guide the supervision of any monk against whom an allegation of sexual abuse of a minor has been established.
- b. The Safety Plan will be approved by the Abbot. The Safety Plan will include:
 - 1. The history and nature of problem behaviors, including at a minimum the number, age, and gender of any victims;
 - 2. Information about how the monk spends the majority of his time;
 - 3. Any applicable sex offender registry requirements, including parole and probation;
 - 4. Documentation of appropriate work of the monk, including his specific assignment;
 - 5. A summary of the monk's risk assessment and risk reduction strategies, including:
 - A. Association with friends and family, including how to ensure that any resulting access to minors is supervised.
 - B. Monitoring of the monk's access to and use of electronic communications, including email, text messaging, telephone calls, social media, and internet access, to ensure the appropriate boundaries are maintained at all times;
 - C. Limiting the monk's access to minors, ensuring that any such access is monitored, with particular attention to the monk's access to Subiaco Academy students;

- D. A determination of the monk's travel privileges, freedom of movement, and method through which the monk may acquire permission to travel, where necessary;
 - E. Issues of financial responsibility;
 - F. The supervisor responsible for the implementation of each of the risk reduction strategies;
 - G. The consequences for non-compliance with the Safety Plan; and
 - H. Dates on which the Safety Plan has been reviewed by the Review Board.
- c. The Abbot will seek the advice of the Response Team before sharing any confidential information in the Safety Plan, including information regarding:
 - 1. The history and nature of the monk's problem behaviors;
 - 2. The monk's risk assessment; and
 - 3. Risk reduction strategies.
- d. The Abbot will consult with the Review Board regarding the Safety Plan.
- e. Each monk on a Safety Plan will be assigned an individual who will supervise that monk. Those assigned individuals will be provided training regarding their responsibilities and receive written guidelines regarding their role and procedures for supervision.
- f. The Safety Plan will be implemented by the Abbey and the Abbey will make every reasonable effort to ensure that the monk understands the consequences for non-compliance with the Safety Plan.
- g. After implementation of a new Safety Plan, the Abbey will inform the appropriate accrediting agency of a new Safety Plan for a monk who is determined to be a "High Risk" offender.
- h. A monk who has a Safety Plan will live at the Abbey or in another supervised setting with individuals who provide support and accountability.
- i. A supervisor of a monk who has a Safety Plan will:

1. Receive written guidelines regarding their role and procedures for supervision, including how to respond if the monk violates his Safety Plan;
 2. Be provided with written instructions regarding documentation that must be maintained to verify compliance;
 3. Be provided with training regarding their responsibilities;
 4. Not have physical or emotional disabilities that prohibit their fulfillment of the function of supervision;
 5. Be a qualified monk, employee, or contractor of Subiaco Abbey;
 6. Not have other assignments that interfere with his responsibility of supervision if the supervisor is a monk; and
 7. Receive all pertinent information needed to properly supervise, which is known in the external forum by the Abbot and not otherwise confidential or protected by privilege.
- j. The Safety Plan will be signed by the Abbot, the monk, and the individual assigned to supervise the monk. In the event the monk refuses to sign the safety plan, such refusal shall be documented.
- k. The Abbot will annually evaluate compliance with all Safety Plans and evaluate the Safety Plan as needed.

18. Review Board

a. Purpose

1. The Abbot will establish a Subiaco Abbey Review Board for the purpose of providing advice to the Abbot on the implementation and administration of this Policy. The Review Board functions as a confidential consultative body, under the aegis of the Abbey's chosen civil legal counsel for purposes of consultation with the Abbey, advising the Abbot in making decisions regarding assessment of credible allegations, as well as appropriate treatment, placement, and

work of monks against whom a credible allegation of sexual abuse of a minor has been made.

2. In making his decisions, the Abbot takes into consideration the perspectives and viewpoints of the members of the Review Board and attends to their professional advice and recommendations.
3. The Review Board exists solely to provide such advice and has no independent power or authority to replace, supplant, or in any way diminish the Abbot's authority and responsibility regarding the determination of the appropriateness of a monk's work, treatment, or placement within the Abbey.
4. The policies and procedures of the Review Board are established in recognition of and in compliance with 1) the requirements of canon law, 2) the United States Conference of Catholic Bishops' *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, 3) the Praesidium *Standards*, and 4) this Policy.
5. The Review Board does not conduct or participate in the investigation of an allegation of sexual abuse of a minor.

b. Responsibilities

In fulfilling its mission to provide him with advice and counsel, the Review Board provides to the Abbot consultation regarding:

1. Whether an allegation of sexual abuse of a minor that is brought against a monk of the Abbey is established⁴;

⁴ In order to assist the Review Board in fulfilling this aspect of its mission Review Board members will, at a minimum, be provided with the following when they are asked to consider an allegation of sexual abuse:

- A. The original report or allegation of sexual abuse of a minor by a monk that was provided to the Abbey;
- B. The final report of the investigation into that allegation;
- C. Information regarding all other allegations of sexual abuse against that monk; and

2. The disposition of any case where an allegation of sexual abuse against a monk cannot be investigated or established;
3. The reporting of allegations to civil authorities, when appropriate, if the reporting of the allegation is not required by law;
4. The action to be taken when a monk has repeatedly violated the boundaries of a minor, including but not limited to when a minor is known to be in danger as a result of such a violation;
5. The kinds of work and other activities that are suitable for a monk with an established allegation of sexual abuse of a minor;
6. Safety Plans, including:
 - a. The initial review of a Safety Plan;
 - b. The annual review of a monk's compliance with, response to, or violation of his Safety Plan;
 - c. Adjustments to the Safety Plan of a monk whose behavior changes significantly; and
 - d. Adjustments to the Safety Plan of a monk against whom a new allegation surfaces.
7. Review of this Policy and any other policies and procedures established by the Abbey regarding the prevention of or the response to the sexual abuse of minors.

c. Composition of Review Board

1. The Review Board shall consist of at least five members, including at least one monk of the Abbey and other individuals who are not monks. No more than two monks of the Abbey may be members of the Review Board.
2. The Review Board shall include an individual who has particular expertise in the treatment of the sexual abuse of minors.

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- D. Information regarding any relevant disciplinary actions ever taken in regard to the monk, and the reasons for those actions.

3. A majority of the Review Board members must be Catholic.
4. While it may occasionally be acceptable for a Review Board member to also be an employee of the Abbey, it is preferable for the Review Board members not to be employees of the Abbey. At no time may the majority of Review Board members be employed by the Abbey.

d. Appointment of Review Board Members

The Abbot shall appoint members of the Review Board through legal counsel, with the consent of the Abbey's Senior Council, and after consultation with the members of the Review Board, legal counsel, and other advisors, as appropriate.

e. Removal of Members

A member of the Review Board may be removed at the discretion of the Abbot after consultation with the Chairperson of the Review Board and legal counsel. Members shall be removed by a letter of removal signed by the Abbot.

f. Terms of Members

1. Review Board members shall serve a term of three years. Terms are renewable.
2. It is preferable for the Review Board to have no more than two new Review Board members in one year. When possible, terms should be staggered to provide continuity for the Board.
3. Vacancies created by the departure of Review Board members during their term shall be filled by appointment by the Abbot. Review Board members appointed to fill a vacancy before the expiration of a term shall serve for the remainder of the unfinished term and may then be reappointed to a full term at the discretion of the Abbot.

g. Education of Members

All members of the Review Board will take part in initial and on-going training provided or recommended by the Abbey.

h. Officers

The Review Board members shall elect a Chairperson and Secretary who shall serve for terms of one year and may be re-elected at the will of the Review Board. The Chairperson will preside at Review Board Meetings. If the Chairperson is not present at a meeting of the Review Board, a majority of the Review Board members who are present will select a member to preside.

i. Privilege and Confidentiality

1. Because the Review Board operates under the aegis of the Abbey's legal counsel, each member of the Review Board is bound by privilege in all the Board's actions and deliberations, including any documents or testimonies it reviews or considers.
2. The files of the Review Board are the property of the Abbey. The Abbot, the Chairperson, and the Abbey's legal counsel shall have access to the Review Board's files. The Review Board's files shall be stored in a locked location designated by the Abbot. If a Review Board member needs to review any materials in order to carry out his or her role as a member of the Review Board, the member shall contact the Abbot, legal counsel, or Chairperson and make arrangements to review the necessary materials. The requested materials should not be copied or retained by the member and shall be returned to the file upon the completion of the review.
3. Upon appointment to the Review Board a member shall sign a Certification stating that he or she will not retain Board materials, outside of the agenda and minutes, beyond the conclusion of a Review Board meeting. Additionally, the member shall not retain

any Review Board materials after the conclusion of his or her service on the Review Board. A copy of each member's Certification will be maintained in the Review Board files.

4. The Abbot and the Review Board shall respect the right to confidentiality and privacy of a monk as recognized in civil and canon law, especially with regard to access to documents or statements governed by principles of attorney-client privilege or physician-patient privilege, and other materials for which written release is required.
5. The identity of an individual involved in a matter before the Review Board, including a monk, shall be excluded from the minutes and the annual report of the Board.

j. Annual Meetings

1. The Review Board shall hold an annual meeting to review the Safety Plans of monks and the policies and procedures established by the Abbey for the protection of minors.
2. The Chairperson shall arrange this meeting in consultation with the Abbot, so that the Abbot, all monks with Safety Plans, and all supervisors of monks with Safety Plan receive timely notice of this meeting and so that all monks with Safety Plans and their supervisors are able to submit information for consideration and requests for modifications of Safety Plans.
3. At the annual meeting the Abbot will report to the Review Board regarding each monk who has a Safety Plan. The report will include the monk's overall response to the Safety Plan and information about all violations of the Safety Plan.

k. Other Meetings

The Abbot shall call a meeting of the Review Board:

1. If he proposes to change the work assignment or Safety Plan of a monk at times other than the annual meeting;
2. When the investigation into an allegation of sexual abuse is complete;
3. When a new Safety Plan is proposed for a monk; or
4. For other reasons as needed.

l. Operating Procedures Regarding Meetings

1. The Review Board may meet in person, by telephone, or by other electronic means.
2. An absolute majority of members of the Review Board must be present in person or by voice communication for a meeting to make a recommendation to the Abbot.
3. All sessions of the Review Board shall be in closed session unless in a particular instance the Chairperson requests otherwise and the Abbot concurs.
4. The date on which a Review Board reviews a Safety Plan must be recorded in the Safety Plan.
5. Subject to the approval of the Abbot, the members of the Review Board may establish procedures to regulate their meetings and internal matters.

m. Recommendations

1. All recommendations of the Review Board shall be made to the Abbot.
2. The recommendations of the Review Board to the Abbot shall be documented.

3. The Abbot shall inform the Review Board about his decision regarding the recommendations.

n. Communications

1. In order to help protect the privileged nature of the matters reviewed and discussed by the Review Board, agendas and minutes should be provided in hard copy only.
2. Electronic communications concerning matters under the purview of the Review Board shall be limited to the scheduling of meetings and exigent circumstances. Those electronic communications that are exchanged shall be immediately deleted.
3. Should any member's electronic communications regarding Review Board business be inadvertently sent to or intercepted by a third-party with no right to access the information, that member shall notify the Chairperson and the Abbot of the subject disclosure immediately after it is discovered. The Chairperson, the Abbot, and the Abbey's legal counsel will work with the member to make every effort to ameliorate any damage that may have occurred as a result of the disclosure.
4. The Secretary shall forward a complete copy of the agenda, minutes, and other documents for that meeting to the legal counsel at the time such documents are published.

o. Reporting

Each Review Board member is required to report any case of sexual abuse in accord with this Policy and civil law. Review Board members need not report matters which have already been reported.

p. Media

Because of the privileged nature of the information provided to them in working under the aegis of legal counsel Review Board members may not respond to media or any other inquiries.

q. Conflicts of Interest

1. Any Review Board member who is related by blood or marriage to, in any kind of employment, financial, or business relationship with, in any kind of professional or spiritual counseling relationship with, or who would have any other conflict of interest or the appearance of a conflict of interest with the alleged victim or the accused monk, shall inform the Chairperson of the conflict and recuse himself or herself from all deliberations concerning the particular matter in question.
2. If a member does not recuse himself or herself because of a conflict of interest, a majority of the other members present may require the member to recuse himself or herself.
3. Any Review Board member who determines that he or she has a conflict of interest or the appearance of a conflict of interest with the Abbey itself or with the work of the Review Board, shall inform the Abbot and the Chairperson of the conflict and shall resign from the Review Board.

r. Payment and Reimbursement

The Abbey shall reimburse all Review Board members for reasonable expenses incurred in attending meetings of the Review Board or in otherwise performing their duties as members of the Review Board.

s. Indemnification

The Abbey shall indemnify any member of the Review Board who is made or threatened to be made a party to a proceeding by reason of the former or present

official capacity of the person as a member of the Review Board against judgments and reasonable expenses, including attorney's fees, incurred by the person in connection with the proceeding, if, with respect to the acts or omissions of the person complained of in the proceeding, the person acted in good faith, received no improper personal benefit, or in the case of a criminal proceeding, did not have reasonable cause to believe the conduct was unlawful, and reasonably believed that the conduct was not opposed to the best interests of the Abbey.

19. Communication

- a. There will be only one spokesperson who officially coordinates all public communication in the name of the Abbey. When advisable, this spokesperson will act in concert with designated representatives of Subiaco Academy, parishes, or other appropriate entities.
- b. Public statements regarding allegations and investigations of sexual abuse may be prepared and released, after consultation with the Response Team, as appropriate.
- c. If sexual abuse of a minor by a monk is established to have occurred at Subiaco Academy, the Abbot, in coordination with representatives of the Academy, will communicate in a pastoral matter with appropriate categories of persons.

20. Documentation

- a. The Abbey will document all communications with all seminaries attended by any applicant and/or dioceses, institutes of consecrated life, and/or societies of apostolic life with which the applicant was affiliated.
- b. The Abbey must document all allegations of abuse by a monk and a timely, compassionate, and pastoral response to all individuals who allege abuse by a monk.

- c. The Abbey will document any circumstances that make it impossible for a meeting with an alleged victim to occur, or for the offer of such a meeting to be made. The Abbey will document any form of pastoral assistance offered pursuant to this Policy.
- d. The Abbey will document that all allegations and reports of abuse of minors have been investigated and presented to the Review Board. If an investigation was not possible or necessary in response to an allegation, the reason will be documented.
- e. When an allegation against a monk is not established following an investigation, the Abbey will document the efforts to restore the good name of the monk.
- f. The Abbey will document a monk's refusal to sign his Safety Plan.
- g. The Abbey will document compliance or noncompliance with the Safety Plan.
- h. The Abbey may not release to a third party, including the Response Team, an independent investigator, and the Review Board, without the written consent of the monk, any materials protected by attorney-client privilege or another legally recognized privilege, including but not limited to:
 - 1. Medical records;
 - 2. Psychological records; and
 - 3. Legal documents provided by the monk.
- i. All documents concerning an allegation of sexual abuse by a monk will be maintained in a confidential file, to which only the Abbot controls access.
- j. A notation will be placed in the personnel file of the monk noting that such a confidential file exists. The notation should indicate whether or not sexual abuse by the monk was established.
- k. If a monk has a Safety Plan, the complete Safety Plan shall be kept in that monk's confidential file.
- l. In the event that a different person assumes the role of supervisor, the previous supervisor returns to the Abbot the copy of the complete Safety Plan and any other materials that had been provided to him by the Abbot.

Approved July 29, 2019 by the Monastic Council of Subiaco Abbey