

**Archdiocese of Saint Paul and Minneapolis**  
**Safe Environment Plan**

This Plan of the Archdiocese of St. Paul and Minneapolis, a Minnesota corporation, (“Archdiocese”) sets forth the undertakings of the Archdiocese for the information of the Ramsey County Attorney Office (“RCAO”) in connection with the conclusion of the Settlement Agreement and is intended to continue, foster and promote an Archdiocesan organizational culture of vigilance to protect all individuals against sexual abuse.

**RECITALS**

WHEREAS, the Archdiocese and the RCAO entered that certain Settlement Agreement dated December 17, 2015, which was amended by the Parties on July 19, 2016 (the “Settlement Agreement”) (capitalized terms used and not otherwise defined herein have the meaning set forth in the Settlement Agreement) which is coming to a conclusion by its terms; and

WHEREAS, the Archdiocese seeks to continue and build on the improvements achieved as a result of its cooperative efforts with the RCAO under the Settlement Agreement; and

WHEREAS, this Plan sets forth a framework for the Archdiocese to continue building a culture that fosters safe environments; and

WHEREAS, this Plan will be provided to the Archdiocesan Finance Council - Corporate Board (“AFCCB”) and the Archdiocesan Ministerial Review Board for review and approval; and

NOW, THEREFORE, the Archdiocese commits itself to its best efforts to fulfill the framework set forth in this Plan:

**UNDERTAKING**

The Archdiocese undertakes to continue its ongoing efforts to improve its Safe Environment Program as specified below:

**1. Oversight**

- 1.1. Archdiocesan Finance Council - Corporate Board of the Archdiocese (“AFCCB”) shall be knowledgeable about the content of the Policies and operation of the Safe Environment Program and shall exercise reasonable oversight with respect to the effectiveness of said Program.
- 1.2. Archbishop. The Archbishop shall be knowledgeable about the content of the Policies and operation of the Safe Environment Program and shall exercise reasonable oversight with respect to implementation, operation and effectiveness of said Program.
- 1.3. Ministerial Review Board (“MRB”). The Ministerial Review Board shall be knowledgeable about the content of the Policies and operation of the Safe

Environment Program and shall provide consultation, guidance and support to said Program.

- 1.4. Director of Ministerial Standards and Safe Environment (“Director”). The Director shall be principally responsible for the implementation and planning of the Safe Environment Program. In the event the position of Director becomes vacant, the Archbishop shall consult with the Ministerial Review Board and the AFCCB regarding candidates to fill the position of Director.

## **2. Reporting Abuse**

- 2.1. The Archdiocese shall maintain a policy that requires any individual working or volunteering within the Archdiocese who has reason to suspect sexual abuse of a minor that would be subject to mandatory reporting under Minnesota law to immediately notify civil authorities (within 24 hours).
- 2.2. The Archdiocese shall maintain a policy that defines the proper reporting channels for reports of sexual abuse of a minor, which shall require:
  - a. The first report shall be to civil authorities;
  - b. In the event the suspected abuser is a cleric, an Archdiocesan employee or an Archdiocesan Adult Volunteer, the person who makes a report to civil authorities, other than the victim, shall be required to report the same information without undue delay to the Director. The Director shall then promptly notify the Archbishop or his designee. The Director shall ensure that written documentation regarding the alleged abuse is placed in the suspected abuser’s file;
  - c. If authorized by law enforcement, and the suspected abuse occurred at or during a Parish/School activity or involves Parish/School personnel or volunteers, the Director shall notify the principal or Pastor of the Parish/School, unless the suspected abuse involves the Pastor or principal, in which case the Director shall notify the Parish or School board of trustees;
    - i. The Pastor, school principal, agency director or other person in charge of the location should complete written documentation of the report and the actions taken.
  - d. If the abuse involves a cleric, the Director shall request all relevant written reports from the Seminary, Parish or School.
- 2.3. The Archdiocese shall maintain a policy requiring that when the Archdiocese receives a report of child sexual abuse and makes a mandated report to law enforcement pursuant to Minnesota statute, the Archdiocese shall not take action that interferes in any way with law enforcement, (including removing someone from his or her position) until law enforcement concludes its investigation, closes its file without investigation, or authorizes the Archdiocese to take action.

- 2.4. The Archdiocese shall maintain a policy that specifies the rights of the person who makes an allegation, including: (1) an adequate explanation of the Archdiocese's overall process and procedures for dealing with allegations of child sexual abuse, including its policy on reporting to civil authorities; (2) advise that the Archdiocese shall endeavor to conduct its investigation with appropriate discretion and, to the extent possible, protect the privacy and reputations of both the person reporting as well as the person about whom the report was made; and (3) a timely response to inquiries and, as necessary, periodic update(s) as to the status or resolution of the report.
- 2.5. The Archdiocese shall maintain a policy that prohibits retaliation against anyone who, in good faith, reports sexual abuse of a minor or suspicions of sexual misconduct.
- 2.6. If there is an allegation of sexual abuse of a minor involving the Archbishop or any Auxiliary Bishop, in addition to the notifications set forth above, the Director shall within a reasonable time notify the AFCCB and, if applicable, comply with the canonical legislation promulgated by Pope Francis on May 7, 2019, the *motu proprio*, *Vos estis lux mundi*, that established procedural norms for addressing allegations against clerics relating to the sexual abuse of minors or vulnerable adults.

### **3. Policies and Codes of Conduct**

- 3.1. The Archdiocese shall maintain a comprehensive set of documents encompassing all Policies relating to the protection of minors. This comprehensive set of documents shall be organized and readily available.
- 3.2. The Archdiocese shall maintain Codes of Conduct that apply to clergy, employees and volunteers, and that incorporate by reference all Policies relating to the protection of minors.
- 3.3. The Policies and Codes of Conduct shall define key terms and shall contain provisions establishing (i) appropriate boundaries, conduct and communications with minors, (ii) the proper reporting of illegal or unethical behavior and (iii) identify those who are required to complete the Essential 3 requirements, which are: (1) acknowledgement of the Code of Conduct; (2) Safe Environment training; and (3) a criminal background check.
- 3.4. Within thirty (30) days of the assignment of a cleric to continuing ministry within the Archdiocese Territory, the Archdiocese shall collect and maintain an acknowledgment form (or electronic record) certifying that such cleric has received, understands and will comply with the Code of Conduct.
- 3.5. Within thirty (30) days of the commencement of any employment or continuing volunteer service, the Archdiocese shall collect and maintain an acknowledgment form (or electronic record) from all employees and Adult Volunteers of the Archdiocese certifying that they have received, understand and will comply with the Code of Conduct.
- 3.6. The Archbishop shall request that within thirty (30) days of a seminarian's commencement of study, each Seminary will collect and maintain an acknowledgment

form (or electronic record) from the seminarian certifying that he has received, understands and will comply with the Code of Conduct. The Office of the Director shall request no less than annually that each Seminary furnish the Director with documentation of compliance. If the Seminary fails to provide such documentation, the Director shall, within a reasonable time, notify the Archbishop and the Board of Trustees of the Seminary in writing.

- 3.7. The Archbishop shall request that within thirty (30) days of the commencement of any employment or volunteer service with children, all Parishes and Schools will collect and maintain an acknowledgment form (or electronic record) from each of their respective employees and Adult Volunteers certifying that he/she has received, understands and will comply with the Code of Conduct. The Office of the Director shall request no less than annually that each Parish and School furnish the Director with documentation of compliance. If a Parish or School fails to provide such documentation, the Director shall notify the Archbishop and the Board of Trustees of such Parish or School in writing.
- 3.8. The Archbishop shall request that each Parish and School maintain the applicable Code of Conduct acknowledgement forms (or records) for each employee and Adult Volunteer, and that said forms (or records) be subject to review by the Director.
- 3.9. The Archbishop shall request that each Seminary maintain the applicable Code of Conduct acknowledgement forms (or records) for each seminarian, as well as applicable Adult Volunteers and employees, and that said forms (or records) be subject to review by the Director.
- 3.10. The Office of the Director shall maintain the applicable Code of Conduct acknowledgement forms (or records) for all clergy.

#### **4. Required Background Checks**

- 4.1. The Archdiocese shall maintain a policy requiring that clergy, employees and Adult Volunteers of the Archdiocese are subject to a background check prior to their service and at specified renewal periods of no less than every 5 years.
- 4.2. Clergy shall be required to report to the Director any arrest or citation involving conduct that violates Archdiocesan Policies or Code of Conduct, and the Director shall gather available, relevant documentation and assess whether the particular matter should be forwarded to the Archbishop or the Ministerial Review Board, or both.
- 4.3. The Archbishop shall request that each Seminary, Parish and School maintain background checks for Seminarians, their respective employees and Adult Volunteers.

#### **5. Required Training**

- 5.1. The Archdiocese shall continue its policy that all those required to comply with the Essential 3 (*see* paragraph 3.3 above) shall complete the required Safe Environment training within thirty (30) days of the start of service and prior to interacting with minors.

- 5.2. The Archdiocese shall continue to provide specialized Safe Environment training no less than every 5 years to all clergy, employees and Adult Volunteers.
- 5.3. The Archdiocese and the Office of Ministerial Standards and Safe Environment shall continue to work with the Seminaries to prevent clergy sexual abuse of minors and to assist in the selection, evaluation and formation of Seminarians.
- 5.4. The Director shall have the authority to refer clerics, employees or Adult Volunteers of the Archdiocese to attend additional Safe Environment training(s).

## **6. Ministerial Review Board**

- 6.1. The Ministerial Review Board shall provide its expertise and assistance as requested with developing policies and appropriate mechanisms to promote the protection of minors.
- 6.2. The Director shall consult with Ministerial Review Board members and Office of Ministerial Standards and Safe Environment staff involved in victim assistance to identify candidates for a vacancy on the Ministerial Review Board. The Director shall recommend candidates to the Archbishop, who shall appoint Ministerial Review Board members in consultation with the Director.
- 6.3. The Ministerial Review Board shall review serious allegations of clergy misconduct, including allegations relating to the sexual abuse of a minor. In each case where a cleric has been found not guilty of criminal conduct by civil authorities, or has been investigated by civil authorities without prosecution, the Archdiocese shall make an independent inquiry into and determination of the given cleric's fitness for ministry.

## **7. Clergy and Archdiocesan Employees**

- 7.1. The Archdiocese shall not assign or recommend a cleric to a position in public ministry or a position that provides access to minors, who has a substantiated claim or pending credible allegation of sexual abuse of a minor against him, or who is otherwise deemed unsuitable for ministry.
- 7.2. Where there have been allegations of sexual abuse of a minor by a cleric, fitness for ministry determinations are to be made by the Archbishop upon recommendations from the Director and the Ministerial Review Board. If the Archbishop, after considering these recommendations, determines a cleric is unfit for ministry based on a substantiated claim of sexual abuse of a minor, the Archdiocese shall not recommend such cleric to another religious organization, and shall notify an inquiring organization of the determination regarding lack of fitness for ministry.
- 7.3. If a cleric seeks assignment, transfer, or residence outside of the Archdiocese Territory that includes engagement in public ministry, the Archdiocese shall seek permission from the cleric to make the entire cleric file available for review by the receiving diocese, religious community, or organization. If the cleric permits review, the Archdiocese shall provide such receiving entity access to the complete clergy file.

If the cleric refuses, the Archdiocese shall notify the receiving entity that the cleric refused access to the file.

- 7.4. The Archdiocese shall disclose any substantiated claim or pending credible allegation of sexual abuse of a minor to any diocese, Catholic entity or secular employer that inquires about the existence of any allegation of sexual abuse of a minor with respect to any past or present cleric of the Archdiocese to the extent that such disclosure is allowed by Federal, State and Canon law. The Archdiocese shall also disclose the status or resolution of that allegation as reflected in its records to the extent allowed by Federal, State and Canon law.
- 7.5. The Archbishop shall request that each Parish, School and Seminary designate a Safe Environment Coordinator to oversee the Safe Environment Program of the Parish, School or Seminary. The Office of Ministerial Standards and Safe Environment shall provide training to such coordinators upon assumption of their assignment and periodically thereafter. The Director shall confirm, at least annually, that a Safe Environment Coordinator has been designated in each Parish, School and Seminary and will communicate with its Board as necessary to do so.

## **8. Compliance**

- 8.1. The Office of Ministerial Standards and Safe Environment shall maintain an electronic registry of clergy compliance with the Essential 3 requirements, and shall annually review clergy compliance with the Essential 3. If a cleric is determined to not be in compliance with the Essential 3 requirements, the cleric shall be removed from ministry until such time as the cleric comes into compliance with the requirements. Any removal from ministry for failure to comply shall be reported to appropriate leadership at the entities affected by the removal.
- 8.2. The Director shall request an annual certification from each Pastor and a member of the Parish or School board of trustees that each respective Parish or School is in compliance with the Essential 3 requirements for each employee and Adult Volunteer at the Parish or School. If the Parish or School fails to provide the requested certification, the Director shall notify the Archbishop and send a letter of notice to both the full Parish or School board of trustees and the Parish Council.
- 8.3. The Director shall request an annual certification from the rector and a member of the board of trustees of each Seminary that the Seminary is in compliance with the Essential 3 requirements for all seminarians and affiliated clergy members, as well as applicable employees and Adult Volunteers. If the Seminary fails to provide the requested certification, the Director shall notify the Archbishop and send a letter of notice to the Seminary's full board of trustees.
- 8.4. Outside Audits. The Archdiocese shall on an every other year basis retain an independent entity with demonstrated competencies to conduct a compliance audit of the Safe Environment Program and this Plan.
- 8.5. Parishes, Seminaries, and Schools Audits. The Director shall conduct periodic audits of Parishes, Seminaries and Schools. Each year, the Director shall audit no less than

fifteen percent (15%) of the total Parishes of the Archdiocese Territory. If a Parish, Seminary or School refuses the audit request, the Director shall notify the Archbishop and the applicable board of trustees in writing.

- 8.6. The Archbishop shall request that the Parish, Seminary or School conduct an external review of procedures for both Safe Environment and finance compliance each time there is a change of Pastor or, in the case of a Seminary, a change of Rector, and request that the results of that review be provided to the Director.

## **9. Communications**

- 9.1. The Archdiocese shall continue to make public disclosures of substantiated claims of sexual abuse of minors by clerics. The Archdiocese shall continue to make public pending credible allegations of sexual abuse of minors by clerics that are under investigation if doing so would not interfere with the investigation, would promote a fair resolution of the allegation and would not violate Federal, State or Canon Law. In each case of a substantiated claim, the Archdiocese will add the name of the cleric to the disclosure section of its website. Public disclosures under this paragraph shall be made as soon as reasonably practicable but, in any event, no later than forty-five (45) days after the relevant determination.
- 9.2. The Archdiocese will publish this Plan on its website. If material modifications are made to this Plan, those modifications will be published on the Archdiocesan website.


## **10. Other**

- 10.1. The Archdiocese shall support and encourage the reporting of abuse both on its website and in print documents posted in Parishes and Schools. The website or documents shall seek to educate the general public on the reporting of clergy misconduct and the protection afforded those who make good-faith reports.
- 10.2. The Archdiocese shall maintain an ombudsperson to serve as an outside resource for victims of sexual abuse and as an independent mechanism for reporting suspected misconduct.
- 10.3. The Archdiocese shall not enter into confidentiality agreements regarding allegations of sexual abuse of minors unless requested by the victim and noted in the text of the agreement.
- 10.4. The Archdiocese shall request removal of photos and any visible honors (such as a plaque honoring that cleric individually or naming of a building or hall in that cleric's honor) from public display for each cleric with a substantiated claim of sexual abuse of a minor. This does not prevent the Archdiocese from displaying photos of a cleric with a substantiated claim of abuse if that photo or the words accompanying it clearly indicate that the cleric had a substantiated claim of sexual abuse of a minor asserted against him.


10.5. The Archdiocese voluntarily undertakes to conduct itself in accordance with the provisions of this Plan in connection with the conclusion of the Settlement Agreement. No legally enforceable contract or agreement is created hereby.

IN WITNESS WHEREOF, the Archdiocese executes this Plan on and as of the date indicated below:


Dated: 1/27/20

By:   
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Director Timothy O'Malley  
Office of Ministerial Standards and  
Safe Environment for the Archdiocese

Dated: 1/27/20

By:   
\_\_\_\_\_  
Deputy Director Janell Rasmussen  
Office of Ministerial Standards and  
Safe Environment for the Archdiocese

Dated: 1/27/20

By:   
\_\_\_\_\_  
Archbishop Bernard A. Hebda  
Archdiocese of Saint Paul & Minneapolis