



Independent Auditor's Report  
on Applying Agreed-Upon Procedures

Compliance with the Settlement Agreement between  
the Archdiocese of Saint Paul and Minneapolis and  
the Ramsey County Attorney

January 7, 2019

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## **EXHIBITS**

- Exhibit I - Archdiocese Organizational Flowchart
- Exhibit II - Stipulation to Stay Proceedings
- Exhibit III - Settlement Agreement
- Exhibit IV - Amendment to Settlement Agreement



**Independent Auditor's Report  
On Applying Agreed-Upon Procedures**

Most Reverend Bernard A. Hebda  
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We have performed the procedures enumerated below solely to assist you in evaluating compliance by the Archdiocese of Minneapolis and St. Paul ("Archdiocese") with its Settlement Agreement with Ramsey County Attorney's Office ("Ramsey County or RCAO") for the period ended June 30, 2018. The Archdiocese's management is responsible for implementing the necessary policies and procedures to comply with the terms of the settlement agreement. The sufficiency of these procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representations regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The procedures and associated findings are presented in Section V of this report. It appears that the Archdiocese is substantially compliant with the terms of the Settlement Agreement for the period reviewed.

This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to and did not conduct an examination or review of the sufficiency of the Settlement Agreement between the parties. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

As contemplated by the parties, a copy of this report is concurrently being provided to the Ramsey County Attorney.

*StoneBridge Business Partners*

STONEBRIDGE BUSINESS PARTNERS  
Rochester, NY  
January 7, 2019

## II. BACKGROUND

The Archdiocese of St. Paul and Minneapolis (the “Archdiocese”), which was established as a diocese in 1850 (and elevated to an Archdiocese in 1888), is home to approximately 825,000 Catholics in the twelve-county greater Twin Cities metropolitan area. The Archdiocese website indicates that there are 206 parishes and 91 Catholic schools within the territory of the Archdiocese.

In the Fall of 2013, the Saint Paul Police Department (“SPPD”) opened an investigation into the Archdiocese’s handling of allegations of sexual abuse by clergy. The SPPD encouraged victims to come forward and contact investigators. Numerous victims contacted the SPPD, and police began investigating the allegations reported. Additionally, the Ramsey County Attorney’s Office asked the SPPD to investigate the specific allegation that the Archdiocese and its leaders failed to report suspected child abuse as required by Minnesota’s Mandatory Reporting law.

On January 29, 2014, the RCAO declined to prosecute the Archdiocese or its leaders for any specific violation of the law, but also announced that the investigation would continue and was ongoing as to other possible violations.

In March 2014, the RCAO sought funding from the Ramsey County Board of Commissioners to expand the investigation of the Archdiocese, which was memorialized in an April Board Resolution authorizing the hiring of additional employees in the RCAO. With these additional resources, the SPPD and RCAO began an in-depth investigation into Archdiocesan conduct and practices involving minors sexually abused by clergy. Examining evidence stretching back decades, the SPPD and RCAO reviewed thousands of documents, and interviewed subject matter experts, Archdiocesan officials, clergy, and lay persons. Ultimately, evidence led the SPPD and RCAO to focus on the Archdiocese’s handling of the case of Curtis Wehmeyer, a priest who had been convicted of abusing three minors between 2010 and 2012.

On June 5, 2015, the RCAO charged the Archdiocese Corporation with six gross misdemeanor crimes: three counts of Contributing to the Need for Protection or Services for a Minor, and three counts of Contributing to Status as a Juvenile Petty Offender or Delinquency. At the same time, the RCAO filed a civil petition alleging that the Archdiocese contributed to a need for protection of, or services for, the children. After review of the civil petition, upon the RCAO’s *ex parte* motion, the Ramsey County District Court ordered the Archdiocese to show cause why it should not be subject to the jurisdiction of the court.

On June 15, 2015, Pope Francis appointed Archbishop Bernard Hebda Apostolic Administrator of the Archdiocese following the resignations of Archbishop John Nienstedt and Bishop Lee Piche. On March 24, 2016, Archbishop Hebda was appointed the Archbishop of St. Paul and Minneapolis, and he was installed as Archbishop on May 13, 2016.

The Archdiocese and RCAO entered settlement negotiations as both cases progressed in litigation. Ultimately, the RCAO sought judicial oversight of the Archdiocese sufficient to increase transparency and accountability, while changing systemically how the Archdiocese protects children and responds to any suspected incident of child sexual abuse.

On December 17, 2015, the RCAO and Archdiocese agreed to a Settlement Agreement (the “Agreement”), which became effective January 28, 2016.

Based on the parties’ experience implementing the Agreement, with joint resolution of several remaining concerns, the Agreement was amended on July 19, 2016. As part of the amended Agreement, the Archdiocese publicly admitted that it failed to adequately respond to and prevent the sexual abuse of three boys; that it failed to keep the safety and welfare of the three boys ahead of the interests of Father Wehmeyer and the Archdiocese’s own interests; and that its actions and omissions failed to prevent the abuse that resulted in the need for the protection of or services for the three boys. On July 20, 2016, the RCAO dismissed the criminal complaint against the Archdiocese.

The Agreement requires the Archdiocese to work toward creating and fostering an organizational culture in which every person becomes and remains vigilant about achieving an overall goal that no child ever again be the victim of clergy sexual abuse in this Archdiocese. The Agreement requires the Archdiocese to create an organizational structure capable of meeting the core components and requirements in the Agreement. Among other things, the Agreement requires more expansive oversight of Archdiocesan safe environment practices by the Archbishop, the Board of Directors, the Ministerial Review Board, and the Director of Ministerial Standards and Safe Environment.

Further, the Agreement sets terms, conditions and requirements intended to foster the continuous improvement of programs for the protection of children and youth. As part of assessing change and fostering improvement, the Archdiocese is required to undergo three fiscal year compliance audits performed by an outside firm. After consulting the RCAO, the Archdiocese retained Stonebridge Business Partners of Rochester, New York (“StoneBridge”) to complete the first independent audit for the period ended June 30, 2017. A report of the first independent audit was issued on January 3, 2018.

This report represents the second iteration of the annually required independent audits. It is a result of StoneBridge’s work covering the period ended June 30, 2018. The audit procedures are detailed below in the “Procedures Performed” section of this report.

### **III. ENGAGEMENT OBJECTIVES AND SCOPE**

StoneBridge Business Partners (“SBP”) was engaged to perform agreed-upon procedures related to adherence with requirements set forth in the Settlement Agreement between the Archdiocese of St. Paul and Minneapolis and the Ramsey County Attorney. Included in this report is an assessment of the Archdiocese’s compliance with each component of the Settlement Agreement with respect to the following areas:

- Oversight
- Policies and Procedures
- Acknowledgement of Policies
- Safe Environment Requirements
- Reporting Abuse
- Requirements for Clergy and Other Employees
- Website requirements
- Communication
- Ministerial Review Board
- Recordkeeping
- Compliance

The scope of this engagement included a review for the period July 1, 2017, through June 30, 2018.

### **IV. INFORMATION OBTAINED AND INDIVIDUALS INTERVIEWED**

In performing our agreed-upon procedures, we examined the following information:

- Oversight:
  - Documentation to support that the Board of Directors is knowledgeable of the Safe Environment Program and has established a committee that has met with the Director and has oversight responsibility for the effectiveness of the Safe Environment Program. This included minutes or agendas for any meetings that have been held, a roster of the members of the committee, and any documentation to support any recommendations or things that have been implemented as a result of these meetings.
  - Documentation to support that the Archbishop regularly meets with the Director and is knowledgeable about the program. This included meeting minutes and agendas.
  - Roster of individuals on the Ministerial Review Board.
  - Copies of any meeting minutes and agendas for the Ministerial Review Board.
  - Documentation to support that workgroups exist, including a roster of the members, any meeting minutes or agendas, and any recommendations that have been made by the groups.

- Policies and Procedures:
  - Copies of all policies related to safe environment policies and procedures.
  - Copies of any draft revisions that may currently be in process.
  - Copy of the policy review process, including a description of who is involved in the cycle of reviews and approvals.
  - Copy of the Parish Property Model Policy.
  - Copy of any revised background check policies.
  - Copies of any draft or final Acceptable Use of Technology Policy.
  - Copies of any draft or final Sexual Abuse Policy.
  - Copies of any draft forms of the comprehensive policy book.
  - Verification that the Archbishop has signed off on each policy.
  
- Safe Environment Requirements:
  - A listing of all parishes and schools and the appointed safe environment coordinator.
  - Copies of the Spring Audit Reports from parishes and schools.
  - For any locations not compliant, provide documentation to support corrective action that was put in place.
  - Sample copy of the Adult volunteer application form.
  - Documentation to support any external reviews of Safe Environment and Finance that were conducted as a result of a change of leadership at the parish/school level.
  - Documentation to support the compliance of a selection of volunteers and employees.
  - Copies of the Spring Audit reports from both St. Paul Seminary and St. John Vianney Seminary, including the documentation provided to verify that they are in full compliance.
  - Copies of any documentation to support efforts that have been made to enhance safe environment training and provide other resources to the seminaries.
  - Documentation to support any external reviews of Safe Environment and Finance that were conducted as a result of a change of leadership at the seminaries.
  - Copies of Spring Audit Reports from NET Ministries and Partnership for Youth.
  - Documentation to support the compliance of a sample of clergy (priests and deacons) currently in ministry.
  - Documentation for any parish audits that have been completed thus far, including a summary of the audit that was provided to the pastor.
  - In any instances where a deficiency was noted, documentation to support any corrective action that needs to be taken.
  - A listing, if available, of the proposed audits that will be completed to ensure no less than 15% of the audits are done annually.
  - Copies of the updated Safe environment training materials.
  - Listing of any training that has taken place in the Archdiocese since the settlement agreement was implemented.
  - Listing of all employees maintained by Human Resources, verifying that safe environment training was completed within 30 days of employment.
  - Copies of any audits that were performed pertaining to this area.
  - Copies of any revised codes that have been released.
  - Documentation to support that the acknowledgement form for the Code of Conduct was

collected and filed for the selection of individuals provided.

- Copies of any revised background check policies.
  - Documentation to verify that clergy who are in the Archdiocese in excess of 30 days may only continue after a criminal background check has been completed.
  - Documentation to verify that our selection of volunteers did not start their service to the Archdiocese prior to having a criminal background check.
  - Copy of the Model Background Check Policy.
  - Copy of updated Visiting Clergy Policy.
  - Copy of the updated Application for Faculties and Authorization Letter.
- Reporting Abuse:
    - Copies of any notifications that have been made to law enforcement regarding allegations.
    - Copies of any public disclosures made regarding allegations.
    - Reporting information as seen in the Catholic Spirit.
    - Reporting information in all languages of the Archdiocese.
- Requirements for Clergy and Other Employees:
    - A copy of the Suitability Letter Policy.
    - Copies of sample suitability letters.
    - Copies of correspondence with religious superiors whose order has a presence within the Archdiocese.
    - Copies of any failure to comply letters sent to specific locations.
- Website requirements:
    - Names and dates of discussions with web developers.
    - Documentation of last website update.
- Communication:
    - List of Archdiocesan employee email addresses.
    - A copy of the Communication policy.
- Ministerial Review Board:
    - A copy of the Ministerial Review Board By-laws.
    - A copy of the Roster of Review Board Members with contact information.
    - Proof of correspondence with Ramsey County.
- Other:
    - Documentation of Archbishop meeting with victims.
    - Copies of apology letters signed by the Archbishop.
    - Reporting hotline contact information, posters, information published at the parish level.
    - List of resources available to accused clergy.
    - A copy of the Settlement agreement.
    - A copy of the resume of the Independent Ombudsperson.
    - A copy of the Monitoring Policy.



- Compliance:
  - Letters notifying clergy, employees and volunteers of removal due to noncompliance.
  - Copies of the *Catholic Spirit* with audit information published.
  - A copy of the Internal audit schedule.
  - Victim Fund Information.

We also interviewed the following personnel:

- Most Reverend Bernard A. Hebda, Archbishop of St. Paul and Minneapolis
- Most Reverend Andrew H. Cozzens, Auxiliary Bishop
- Mr. Michael Campion, Assistant Director of Ministerial Standards & Safe Environment
- Ms. Susan Mulheron, Canonical Chancellor
- Mr. Kevin Conneely, Chair of the Ministerial Review Board
- Ms. Janell Rasmussen, Deputy Director of Ministerial Standards & Safe Environment
- Fr. Mike Tix, Director of Clergy Services
- Mr. Tom Halden, Director of Communications
- Ms. Mary Ellen Moe, Director of Human Resources
- Mr. Jason Slattery, Director of Religious Education
- Mr. Timothy O'Malley, Director of Ministerial Standards & Safe Environment
- Ms. Mary Kane, Director of the Office for Protection of Children & Youth
- Dave Bjerga, Pat Henry & Neil Nelson, Investigators
- Father Charles Lachowitz, Moderator of the Curia and Vicar General
- Mr. Tom Johnson, Ombudsperson
- Mr. Thomas E. Ring, Ramsey County
- Mrs. Stephanie Wiersma, Ramsey County
- Mr. John Bierbaum, Board of Directors
- Ms. Karen Rauenhorst, Board of Directors
- Dr. Lon Augdahl, Ministerial Review Board
- Ms. Jeri Boisvert, Ministerial Review Board
- Dr. Richard Holub, Ministerial Review Board
- Ms. Paulette Kane Flynn, Ministerial Review Board
- Reverend Stephen Ulrick, Board of Directors

In addition, we either visited onsite or requested information from the following parishes and schools:

- Transfiguration Parish and School
- St. Alphonsus Parish and School
- St. Stephen Parish and School
- Presentation of the Blessed Virgin Mary Parish and School
- Epiphany Parish and School
- St. Joseph Parish and School
- Holy Spirit Parish and School
- St. Ambrose of Woodbury Parish and School

- Our Lady of the Prairie Parish and School
- St. Rose of Lima Parish and School
- Our Lady of Victory Parish
- St. Bonaventure Parish
- St. Olaf Parish
- St. Joseph of Taylors Falls Parish
- Holy Trinity Parish
- Providence Academy
- Our Lady of Grace Parish and School

## V. PROCEDURES PERFORMED AND RESULTS OF TESTING

The following sections detail the procedures performed by SBP, along with the results of the testing with respect to the areas noted above in the Engagement Objective and Scope Section.

### Section 2: Oversight

The Archdiocese is to have a Board of Directors that are knowledgeable of the Safe Environment Program. The Board needs to have established a committee to meet with the Director of the Safe Environment Program. In addition, the Agreement requires that the Archbishop regularly meet with the Director of the Safe Environment Program and is also knowledgeable about the program. In addition to the Board of Directors, the Archdiocese is also required to have a Ministerial Review Board in place. These members are also required to be knowledgeable of the program and the Director of the Ministerial Review Board should be actively coordinating the activities of the Board, the Clergy Support Initiative (previously the POMS program), the Victim Advocacy Office, and the Office for the Protection of Children and Youth.

Section 2: Oversight	
Description of Policy/Procedure	Tests of Policy/Procedure
The Archdiocese has a Board of Directors that are knowledgeable of the Safe Environment Program.	<p>Verified that the Board exists by reviewing a roster of the members and meeting minutes.</p> <p>Interviewed six members of the Board of Directors (and two additional members in 2017) and confirmed their knowledge of the program.</p>
The Board has established a committee to meet with the Director of the Safe Environment Program.	<p>Observed meeting minutes and agendas that substantiate the existence of the committee.</p> <p>Observed that participation from the Director is regularly included.</p>
The Archbishop regularly meets with the Director of the Safe Environment Program and is knowledgeable about the program.	<p>Verified the Archbishop's attendance at the committee/Board meetings by reviewing attendees listed on the Board meeting minutes.</p> <p>Confirmed through discussions with the Director and Archbishop that regular meetings between the two frequently occurred during the scope period.</p>
The Archdiocese has a Ministerial Review Board in place. These members are knowledgeable of the program.	<p>Obtained a roster of the members of the Ministerial Review Board.</p> <p>Observed meeting minutes and agendas that substantiate the existence of the Board.</p> <p>Interviewed four members of the Ministerial Review Board (in addition to the three interviewed separately in 2017) and confirmed their knowledge of the program.</p>
The Director of the Ministerial Review Board is actively coordinating the activities of the Board, the Clergy Support Initiative (previously known as the POMS program), the Victim Advocacy Office, and the Office for the Protection of Children and Youth.	Obtained documentation that substantiates the Board's involvement in the oversight of these programs/offices.

Section 2: Oversight	
Description of Policy/Procedure	Tests of Policy/Procedure
	Verified through discussions with the Director and others that he is coordinating the directives of the Board.
<b><i>Results of Tests Performed</i></b>	
No exceptions were noted.	

Section 3: Policies and Procedures

The Archdiocese is to create a comprehensive set of documents encompassing all policies relating to the protection of minors. The following details must be included in these policies:

- The policies shall be written and formatted so they are easy to read and understand.
- Policies should define all key terms.
- The policy shall define what behavior constitutes misconduct involving minors, including, without limitation, sexual exploitation of minors and sexual harassment of minors.
- The policies shall define what constitutes child abuse. The definitions shall include at a minimum the definition of sexual and physical abuse as defined in state statutes.
- The policies shall define what constitutes a “credible allegation” and “substantiated claim”.
- An example, in written form, of what constitutes misconduct involving a minor as part of training or training related materials, including what is considered “appropriate” vs. “inappropriate” physical conduct.
- Policies should include guidelines for the acceptable use of technology.
- Policies should grant the Archdiocese the ability to inspect, review, audit, intercept, or access all matters on systems of the Archdiocese, including employee e-mail, voicemail, and computer systems at any time, with or without notice.
- Policies should include guidelines on how to properly use social media and cellular phones, including text messaging.
- Policies shall prohibit Archdiocesan employees and adult volunteers from being alone (out of the sight of at least one adult) with any unrelated minor while serving as an employee or volunteer of the Archdiocese or parish, subject to common sense exceptions.
- Policies shall prohibit clergy from being alone with any unrelated minor except when cleric is hearing confession in confessional and common sense exceptions. Policy shall prohibit clergy from travelling alone with any unrelated minor or sleeping in the same private space.

Description of Policy/Procedure	Tests of Policy/Procedure
The policies shall be written and formatted so they are easy to read and understand.	Observed that all policies and procedures relating to the protection of minors are in writing and appear suitably formatted.
Policies should define all key terms.	Reviewed all policies and procedures relating to the protection of minors and verified that key terms were defined.

Section 3: Policies and Procedures	
The policies shall define what behavior constitutes misconduct involving minors, including, without limitation, sexual exploitation of minors and sexual harassment of minors.	Reviewed all policies and procedures relating to the protection of minors and verified that this was explicitly defined.
The policies shall define what constitutes child abuse. The definitions shall include at a minimum the definition of sexual and physical abuse as defined in state statutes.	Reviewed all policies and procedures relating to the protection of minors and verified that this was explicitly defined.
The policies shall define what constitutes a “credible allegation” and “substantiated claim”.	Reviewed all policies and procedures relating to the protection of minors and verified that this was explicitly defined.
An example, in written form, of what constitutes misconduct involving a minor as part of training or training related materials, including what is considered “appropriate” vs. “inappropriate” physical conduct.	Verified through a review of the Codes of Conduct that language defining what constitutes misconduct involving a minor is included.  Interviewed parish personnel and verified that this is included in the training materials.
Policies should include guidelines for the acceptable use of technology.	Reviewed all policies and procedures relating to the protection of minors and verified that acceptable use guidelines were included.
Policies should grant the Archdiocese the ability to inspect, review, audit, intercept, or access all matters on systems of the Archdiocese, including employee e-mail, voicemail, and computer systems at any time, with or without notice.	Reviewed all policies and procedures relating to the protection of minors and verified that this language was included.
Policies should include guidelines on how to properly use social media and cellular phones, including text messaging.	Reviewed all policies and procedures relating to the protection of minors and verified that acceptable use guidelines were included.
Policies shall prohibit Archdiocesan employees and adult volunteers from being alone (out of the sight of at least one adult) with any unrelated minor while serving as an employee or volunteer of the Archdiocese or parish, subject to common sense exceptions.	Reviewed all policies and procedures relating to the protection of minors and verified that this was explicitly stated.

Section 3: Policies and Procedures	
Policies shall prohibit clergy from being alone with any unrelated minor except when cleric is hearing confession in confessional and common sense exceptions. Policy shall prohibit clergy from travelling alone with any unrelated minor or sleeping in the same private space.	Reviewed all policies and procedures relating to the protection of minors and verified that this was explicitly stated.
<i>Results of Tests Performed</i>	
No exceptions were noted.	

Section 4: Acknowledgement of Policies	
The Archdiocese shall collect and maintain an acknowledgement form (or electronic record) certifying that all clergy, employees, volunteers, and seminarians have received the policies, including the Code of Conduct, and understand and will comply with all policies. This is to be collected within 30 days of the commencement of any employment, assignment, or volunteer service. The Office of the Director of Safe Environment shall maintain copies of the acknowledgement forms for clerics. The parishes, schools, and seminaries shall maintain the acknowledgement forms for each of their employees, volunteers, and seminarians.	
Description of Policy/Procedure	Tests of Policy/Procedure
The Archdiocese shall collect and maintain an acknowledgement form (or electronic record) certifying that all clergy, employees, volunteers, and seminarians have received the policies, including the Code of Conduct, and understand and will comply with all policies. This is to be collected within 30 days of the commencement of any employment, assignment, or volunteer service.	<p>Selected a sample of 53 clergy and reviewed their personnel files to verify that a signed acknowledgment form is maintained. *</p> <p>For employees and volunteers from 16 parishes and 12 schools: *</p> <ul style="list-style-type: none"> <li>• Verified through a review of documentation that each location has submitted their annual certification letter affirming personnel at their location are in compliance with the Essential 3 requirements.</li> <li>• Verified through a review of documentation that each location maintains a roster of active personnel that tracks dates of compliance with the Essential 3 requirements.</li> </ul>



Section 4: Acknowledgement of Policies	
	<ul style="list-style-type: none"> <li>• Visited 6 parishes and 7 schools and verified through discussions and a review of records that locations maintain supporting documentation that demonstrates compliance with the Essential 3 requirements. *</li> <li>• Determined through a review of documentation that 99% of the approximately 4,500 personnel on the rosters examined appear in full compliance with the Essential 3 requirements.</li> <li>• Verified that sites are responsible for ensuring personnel renew their Essential 3 requirement, when necessary.</li> </ul> <p>Verified that policies and procedures require acknowledgment forms to be signed within 30 days of assignment.</p>
The Office of the Director of Safe Environment shall maintain copies of the acknowledgement forms for clerics.	Reviewed the files of clergy that were selected for testing (sample size of 53) and verified they included copies of the signed acknowledgment forms. *
The parishes, schools, and seminaries shall maintain the acknowledgement forms for each of their employees, volunteers, and seminarians.	<p>Interviewed parish and school coordinators during site visits and verified that acknowledgement forms are maintained at the local level.</p> <p>Observed that the personnel files maintained at the sites visited included copies of the signed acknowledgment forms.</p>
<i>Results of Tests Performed</i>	
No exceptions were noted.	

\*The sample size was chosen to ensure that a statistically representative sample comprised of approximately 10% of clergy files, 25% of seminarian files and 10% of parish locations were audited for compliance with safe environment record keeping requirements. Specific sample selections were made at random by assigning unique identifiers to the entire population of each category using a random number generator. In addition, RCAO requested two judgmentally selected sites be added to the sample in order to address a geographic underrepresentation of a region of the Archdiocese in the sample selections.

## Section 5: Safe Environment – Essential 3 Requirements

Section 5 of the Agreement defines the requirements with regard to the Safe Environment program. The Agreement discusses the “Essential 3 Requirements”. These include: acknowledgement of the Code of Conduct; specialized child protection training (such as VIRTUS); and a criminal background check. Those required to complete the Essential 3 Requirements include, but are not limited to: clergy (active or retired) who have been granted permission by the Archbishop to conduct continuing ministry within the Archdiocese Territory for more than 30 days; employees and adult volunteers providing service to the Archdiocese or a School or Parish; seminarians who have commenced their study at a Seminary; and seminarians who are working for a Parish or School. Parents who also volunteer with their child’s programs or activities and have regular or unsupervised contact with unrelated minors, must also complete these requirements. Additionally, any seminary, parish, or school that utilizes the services of a third-party person or entity under circumstances where that third party has regular or unsupervised contact with minors should make the third party aware of the existence of the policies and the option to attend safe environment training.

These safe environment materials shall be provided in all principal languages of the Archdiocese.

As part of the Safe Environment process for volunteers, the Agreement requires that the Archdiocese provide parishes and schools with a volunteer application form. The Archdiocese shall request that volunteers do not begin service until this application has been completed. Unless prohibited by law, the application form shall include the following questions:

- Whether the applicant has a criminal history
- Whether the applicant has ever been the subject of a criminal investigation involving an allegation of sexual abuse
- Whether a civil or criminal complaint has ever been filed against the applicant alleging physical abuse or sexual abuse by the applicant
- Whether the applicant has ever failed to report sexual abuse as required by law or policy
- Whether the applicant has ever had employment terminated or has otherwise been disciplined for reasons relating to allegations of inappropriate conduct with minors, child abuse, or sexual misconduct of any kind
- The applicant’s history of volunteering with minors within the previous five years

In order to monitor and assess compliance, the Agreement requires the Office of the Director to maintain an electronic registry of clergy compliance with the Essential 3 requirements. In addition, the Office of the Director shall request an annual certification from each parish, school, and seminary to verify that they are in compliance with the Essential 3 requirements. If any non-compliance is discovered or the parish, school, or seminary fail to provide the requested certification, a letter of non-compliance shall be issued.

## Section 5: Safe Environment – Essential 3 Requirements

With regard to the Code of Conduct, the Agreement requires the following:

- The Code of Conduct shall define key terms.
- The Code of Conduct shall contain a provision prohibiting the viewing of pornographic materials on, or taking pornographic materials onto, the property of the Archdiocese, a parish or a school.
- The Code of Conduct shall contain a provision prohibiting the showing of pornographic material to minors and prohibiting the illegal provision of alcohol, tobacco, or drugs to minors.
- The Code shall contain a provision for pastoral counselors and spiritual directors that addresses and defines proper boundaries and improper conduct, including physical contact, with the persons they counsel.
- The Code shall contain a provision stating that clergy are responsible for establishing and maintaining clear, appropriate boundaries in counseling relationships.
- The Code shall contain provisions on how to report unethical or unprofessional conduct.

Once the Code of Conduct has been developed to include the items above, the Archdiocese shall distribute appropriate training related to the Code of Conduct for use at the start of employment or volunteer service, or within sixty days of a material revision of the Code of Conduct.

Per the Agreement, another part of the Essential 3 requirements is developing an enhanced background check policy. This policy shall state that all members of the clergy, employees, and adult volunteers are subject to the background check policy. The specific requirements noted in the Agreement are as follows:

- Clergy shall be subject to background checks upon their initial assignment within the Archdiocese, and no less than every five years thereafter.
- A cleric's service in excess of thirty days may only continue after they have successfully completed a criminal background check.
- Clergy shall be required to report to the Director any arrest or citation involving conduct that violates the Archdiocesan policies 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.
- If a prospective employee will have regular or unsupervised contact with minors, such employment may only start after an individual has successfully completed a criminal background check.
- An adult volunteer may only start his/her service after having completed a criminal background check.
- The Archdiocese will meet and confer with Ramsey County to explore the

## Section 5: Safe Environment – Essential 3 Requirements

feasibility of a background check results policy that requires fingerprinting as a component of the background check process.

- The background check policy shall provide criteria for evaluating the results of a background check and provide guidance for determining what constitutes disqualifying offenses for employment and volunteer positions.
- The Archdiocese shall request that its third-party vendor that provides background checks to the Archdiocese, parishes, and schools inform the requesting entity of any prior background checks performed on the same individual.
- If parish, school, or seminary refuses to follow the Archdiocesan background check policy, the Director shall within a reasonable time notify the Archbishop and the board of trustees of the respective parish, seminary, or school in writing.
- Background checks for clergy, Archdiocesan employees, and adult volunteers shall be maintained by the Director.
- Each seminary, parish, and school shall maintain background check files for seminarians, employees and volunteers.

Lastly, as part of the Essential 3 requirements, the Agreement requires that the Archdiocese continue its policy that all those required to comply with the Essential 3 shall complete VIRTUS training within thirty days after the start of service. The Archdiocese must also continue to provide VIRTUS training no less than every three years to all clergy, employees, and volunteers. In addition, the Archdiocese shall periodically evaluate the training materials to provide updated training to all clergy, employees, and volunteers.

Section 5: Safe Environment – Essential 3 Requirements

Description of Policy/Procedure	Tests of Policy/Procedure
<p>Those required to complete the Essential 3 Requirements include, but are not limited to: clergy (active or retired) who have been granted permission by the Archbishop to conduct continuing ministry within the Archdiocese Territory for more than 30 days; employees and adult volunteers providing service to the Archdiocese or a school or parish; seminarians who have commenced their study at a Seminary; and seminarians who are working for a parish or school. Parents who also volunteer with their child’s programs or activities and have regular or unsupervised contact with unrelated minors must also complete these requirements. Additionally, any seminary, parish, or school that utilizes the services of a third-party person or entity under circumstances where that third party has regular or unsupervised contact with minors should make the third party aware of the existence of the policies and the option to attend safe environment training.</p>	<p>Reviewed all policies and procedures relating to the protection of minors and verified that this was explicitly defined.</p> <p>Interviewed parish and school coordinators at the sites visited and verified that these individuals are required to complete the Essential 3 requirements.</p> <p>Observed correspondence from the Safe Environment Office that provides guidance to locations on how the requirements apply to third-parties.</p>
<p>The safe environment materials shall be provided in all principal languages of the Archdiocese.</p>	<p>Observed that materials are available in all principal languages including; English, Spanish, Vietnamese, Polish, French and Korean.</p>
<p>As part of the Safe Environment process for volunteers, the Archdiocese will provide parishes and schools with a volunteer application form. The Archdiocese shall request that volunteers do not begin service until this application has been completed.</p>	<p>Reviewed a copy of the volunteer application.</p> <p>Interviewed parish and school coordinators at the sites visited and verified that volunteers are required to complete the application.</p>
<p>Unless prohibited by law, the application form shall include the following questions:</p> <ul style="list-style-type: none"> <li>• Whether the applicant has a criminal history</li> <li>• Whether the applicant has ever been the subject of a criminal</li> </ul>	<p>Reviewed the volunteer application and verified that all questions were included.</p>

Section 5: Safe Environment – Essential 3 Requirements

Description of Policy/Procedure	Tests of Policy/Procedure
<p>investigation involving an allegation of sexual abuse</p> <ul style="list-style-type: none"> <li>• Whether a civil or criminal complaint has ever been filed against the applicant alleging physical abuse or sexual abuse by the applicant</li> <li>• Whether the applicant has ever failed to report sexual abuse as required by law or policy</li> <li>• Whether the applicant has ever had employment terminated or has otherwise been disciplined for reasons relating to allegations of inappropriate conduct with minors, child abuse, or sexual misconduct of any kind</li> <li>• The applicant’s history of volunteering with minors within the previous five years</li> </ul>	
<p>The Office of the Director shall maintain an electronic registry of clergy compliance with the Essential 3 requirements.</p>	<p>Reviewed the Director’s electronic registry of clergy and verified that they were all in compliance with the Essential 3 requirements.</p>
<p>The Office of the Director shall request an annual certification from each parish, school, and seminary to verify that they are in compliance with the Essential 3 requirements.</p>	<p>Reviewed the annual certification forms submitted by parishes and schools for the scope period. Verified for a sample of locations that the each had affirmed their compliance.</p>
<p>If any non-compliance is discovered or the parish, school, or seminary fail to provide the requested certification, a letter of non-compliance shall be issued.</p>	<p>Verified through a review of the annual certification forms that no locations indicated non-compliance.</p>
<p>The Code of Conduct shall define key terms.</p>	<p>Reviewed the Code of Conduct and verified that key terms were defined.</p>
<p>The Code of Conduct shall contain a provision prohibiting the viewing of pornographic</p>	<p>Reviewed the Code of Conduct and verified that this was prohibited.</p>

Section 5: Safe Environment – Essential 3 Requirements

Description of Policy/Procedure	Tests of Policy/Procedure
materials on, or taking pornographic materials onto, the property of the Archdiocese, a parish or a school.	
The Code of Conduct shall contain a provision prohibiting the showing of pornographic material to minors and prohibiting the illegal provision of alcohol, tobacco, or drugs to minors.	Reviewed the Code of Conduct and verified that this was prohibited.
The Code shall contain a provision for pastoral counselors and spiritual directors that addresses and defines proper boundaries and improper conduct, including physical contact, with the persons they counsel.	Reviewed the Code of Conduct and verified that this language was included.
The Code shall contain a provision stating that clergy are responsible for establishing and maintaining clear, appropriate boundaries in counseling relationships.	Reviewed the Code of Conduct and verified that this language was included.
The Code shall contain provisions on how to report unethical or unprofessional conduct.	Reviewed the Code of Conduct and verified that this language was included.
Once the Code of Conduct has been developed to include the items above, the Archdiocese shall distribute appropriate training related to the Code of Conduct for use at the start of employment or volunteer service, or within sixty days of a material revision of the Code of Conduct.	<p>Verified with Archdiocesan personnel that the Code of Conduct has been distributed and observed it is available on the Archdiocese website.</p> <p>Verified through a review of the training materials that Code of Conduct awareness training is an element of the VIRTUS training program.</p>
The background check policy shall state that all members of the clergy, employees, and adult volunteers are subject to the background check.	Reviewed the background check policy and verified that this was explicitly defined.
Clergy shall be subject to background checks upon their initial assignment within the Archdiocese, and no less than every five years thereafter.	<p>Reviewed the background check policy and verified that this was explicitly defined.</p> <p>Selected 53 clergy and verified through a review of</p>

Section 5: Safe Environment – Essential 3 Requirements

Description of Policy/Procedure	Tests of Policy/Procedure
	documentation in their personnel files that background checks were completed upon initial assignment and no less than every five years thereafter.
A cleric’s service in excess of thirty days may only continue after they have successfully completed a criminal background check.	Verified through a review of documentation in clergy personnel files that all background checks for the clergy sampled were completed timely.
Clergy shall be required to report to the Director any arrest or citation involving conduct that violates the Archdiocesan policies 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.	Reviewed the Code of Conduct for Clergy and verified that this language was included.  Interviewed the Director and inquired of any reports made regarding any arrests or citations that violate the Archdiocesan policies and procedures.
<p>If a prospective employee will have regular or unsupervised contact with minors, such employment may only start after an individual has successfully completed a criminal background check.</p> <p>An adult volunteer may only start his/her service after having completed a criminal background check.</p>	<p>Verified that the policies and procedures related to the protection of minors require that employees/volunteers may only begin their employment/service after having completed a background check.</p> <p>For employees and volunteers from 16 parishes and 12 schools:</p> <ul style="list-style-type: none"> <li>• Verified through a review of documentation that each location has submitted their annual certification letter affirming personnel at their location are in compliance with the Essential 3 requirements.</li> <li>• Verified through a review of documentation that each location maintains a roster of active personnel that tracks dates of compliance with the Essential 3 requirements.</li> <li>• Visited 6 parishes and 7 schools and verified</li> </ul>



Section 5: Safe Environment – Essential 3 Requirements

Description of Policy/Procedure	Tests of Policy/Procedure
	<p>through discussions and a review of records that locations maintain supporting documentation that demonstrates compliance with the Essential 3 requirements.</p> <ul style="list-style-type: none"> <li>• Determined through a review of documentation that 99% of the approximately 4,500 personnel on the rosters examined appear in full compliance with the Essential 3 requirements. Verified that sites are responsible for ensuring personnel renew their Essential 3 requirement, when necessary.</li> </ul>
<p>The Archdiocese will meet and confer with Ramsey County to explore the feasibility of a background check results policy that requires fingerprinting as a component of the background check process.</p>	<p>Interviewed personnel who confirmed these discussions have occurred, but have not been adopted to date.</p>
<p>The background check policy shall provide criteria for evaluating the results of a background check and provide guidance for determining what constitutes disqualifying offenses for employment and volunteer positions.</p>	<p>Reviewed the background check policy and verified that this guidance was included.</p>
<p>The Archdiocese shall request that its third-party vendor that provides background checks to the Archdiocese, parishes, and schools inform the requesting entity of any prior background checks performed on the same individual.</p>	<p>Interviewed Diocesan personnel who verified that this was requested of the vendor. The vendor indicated it cannot accommodate this request. However, the Archdiocese has access to all background checks processed in the past and can review all results, as necessary.</p>
<p>If parish, school, or seminary refuses to follow the Archdiocesan background check policy, the Director shall within a reasonable time notify the Archbishop and the board of trustees of the respective parish, seminary, or school in</p>	<p>Interviewed appropriate personnel and discussed that no locations had refused to follow the policies set forth.</p>

Section 5: Safe Environment – Essential 3 Requirements

Description of Policy/Procedure	Tests of Policy/Procedure
writing.	
Background checks for clergy, Archdiocesan employees, and adult volunteers shall be maintained by the Director.	Reviewed records maintained by the Director and verified that background checks for clergy, employees, and volunteers are maintained.
Each seminary, parish, and school shall maintain background check files for seminarians, employees and volunteers.	<p>Interviewed parish, school, and seminary coordinators during site visits and verified that records of background checks are maintained at the local level.</p> <p>Observed files maintained at each site visit.</p>
All those required to comply with the Essential 3 shall complete VIRTUS training within thirty days after the start of service.	<p>Selected a sample of 53 clergy and reviewed their personnel records to verify that VIRTUS training has been completed. *</p> <p>Selected a sample of 15 seminarians and reviewed their personnel records to verify that VIRTUS training has been completed. *</p> <p>Verified that policies and procedures related to the protection of minors require personnel to complete training within 30 days of their start date.</p> <p>For employees and volunteers from 16 parishes and 12 schools: *</p> <ul style="list-style-type: none"> <li>• Verified through a review of documentation that each location has submitted their annual certification letter affirming personnel at their location are in compliance with the Essential 3 requirements.</li> <li>• Verified through a review of documentation that each location maintains a roster of active personnel that tracks dates of compliance with the Essential 3 requirements.</li> <li>• Visited 6 parishes and 7 schools and verified through discussions and a review of records</li> </ul>

Section 5: Safe Environment – Essential 3 Requirements	
Description of Policy/Procedure	Tests of Policy/Procedure
	<p>that locations maintain supporting documentation that demonstrates compliance with the Essential 3 requirements.</p> <ul style="list-style-type: none"> <li>• Determined through a review of documentation that 99% of the approximately 4,500 personnel on the rosters examined appear in full compliance with the Essential 3 requirements. Verified that sites are responsible for ensuring personnel renew their Essential 3 requirement, when necessary.</li> </ul>
The Archdiocese must continue to provide VIRTUS training no less than every three years to all clergy, employees, and volunteers.	Reviewed policy related to training and verified that it requires renewal training every three years.
<b><i>Results of Tests Performed</i></b>	
No exceptions were noted.	

\*The sample size was chosen to ensure that a statistically representative sample comprised of approximately 10% of clergy files, 25% of seminarian files and 10% of parish locations were audited for compliance with safe environment record keeping requirements. Specific sample selections were made at random by assigning unique identifiers to the entire population of each category using a random number generator. In addition, RCAO requested two judgmentally selected sites be added to the sample in order to address a geographic underrepresentation of a region of the Archdiocese in the sample selections.

## Section 6: Reporting Abuse

The Archdiocese have a policy in place that includes the following:

- Policies shall clearly state that a report to the Archdiocese does not relieve the individual from reporting known or suspected abuse as is required under Minnesota law.
- The Policy shall contain a section dedicated to civil mandatory reporting requirements, including guidance on who must report, what must be reported, and to whom the report must be made.
- The Archdiocese shall continue its policy that clerics, employees, and adult volunteers shall be trained on mandatory reporting obligations within thirty days of their hire and shall receive refresher updates at least every three years.
- The Policies shall require an employee or volunteer serving within the Archdiocese who has reason to suspect sexual abuse of a minor that would be subject to mandatory reporting under state law shall immediately notify civil authorities.
- The Policies shall state that the first report of suspected abuse of a minor shall be to civil authorities.
- Any person, other than the victim, who makes a report to the civil authorities 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 should notify or confirm that law enforcement has been notified as required by law and the Policies. The Director shall complete written documentation relating to the report.
- 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.
- The pastor, school principal, agency director, or other person in charge of the location should complete written documentation of the report and actions taken.
- If the abuse involves a cleric, the Director shall request all relating written reports from the Seminary, Parish, or School.
- When the Archdiocese receives a report of child sexual abuse and makes a mandated report to law enforcement, the Archdiocese shall not conduct an internal investigation, and will not interfere in any way with law enforcement until law enforcement concludes its investigation, closes its file without investigation, or authorizes the Archdiocese to take action.
- The Policies shall include the rights of the person who makes an allegation. This should include the following:
  - Adequate explanation of the Archdiocese's overall process and

## Section 6: Reporting Abuse

procedures for dealing with allegations of child sexual abuse, including its policy on reporting to civil authorities

- Advice 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
- A timely response to inquiries and, as necessary, periodic updates as to the status or resolution of the report.
- The Archdiocese shall provide Parishes and Schools materials for making a complaint, including print materials in the principal language in which the liturgy is celebrated.
- Establish a policy that prohibits retaliation against any cleric, employee, volunteer, parishioner, or other individual who in good faith reports sexual abuse of a minor or suspicions of sexual misconduct.
- A statement should be published in the *Catholic Spirit* no less than four times per year for the term of the Agreement, urging those subject to sexual abuse of a minor to contact law enforcement to make a report of the abuse.
- The Archdiocese shall continue to provide information in writing to Seminaries, Parishes, and Schools regarding the prevention of abuse, training to identify signs of abuse, statements that the abused are not at fault and encouraging the reporting of abuse.
- If there is an allegation of sexual abuse of a minor involving the Archbishop or any Auxiliary Bishop, in addition to the notifications described above, the Director shall within a reasonable amount of time notify the Board.

Section 6: Reporting Abuse	
Description of Policy/Procedure	Tests of Policy/Procedure
Policies shall clearly state that a report to the Archdiocese does not relieve the individual from reporting known or suspected abuse as is required under Minnesota law.	Reviewed all policies and procedures relating to the protection of minors and verified that this was explicitly stated.  Verified that this is also explicitly stated on the Archdiocese's website.
The Policy shall contain a section dedicated to civil mandatory reporting requirements, including guidance on who must report, what must be reported, and to whom the report must be made.	Reviewed all policies and procedures relating to the protection of minors and verified that this was explicitly stated.
The Archdiocese shall continue its policy that clerics, employees, and adult volunteers shall be trained on mandatory reporting obligations within thirty days of their hire and shall receive refresher updates at least every three years.	Reviewed all policies and procedures relating to the protection of minors and verified that this was explicitly stated.  Reviewed the training video and observed that it included mandatory reporting obligations.
The Policies shall require an employee or volunteer serving within the Archdiocese who has reason to suspect sexual abuse of a minor that would be subject to mandatory reporting under state law shall immediately notify civil authorities.	Reviewed all policies and procedures relating to the protection of minors and verified that this was explicitly stated.
The Policies shall state that the first report of suspected abuse of a minor shall be to civil authorities.	Reviewed all policies and procedures relating to the protection of minors and verified that this was explicitly stated.  Verified that this is also explicitly stated on the Archdiocese's website.
Any person, other than the victim, who makes a report to the civil authorities, 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.	Reviewed all policies and procedures relating to the protection of minors and verified that this was explicitly stated.

Section 6: Reporting Abuse	
Description of Policy/Procedure	Tests of Policy/Procedure
The Director should notify or confirm that law enforcement has been notified as required by law and the Policies. The Director shall complete written documentation relating to the report.	<p>Reviewed all policies and procedures relating to the protection of minors and verified that this was explicitly stated.</p> <p>Interviewed the Director and obtained any documentation related to any reports received during the scope period and verified appropriate procedures were followed.</p>
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.	<p>Reviewed all policies and procedures relating to the protection of minors and verified that this was explicitly stated.</p> <p>Interviewed the Director and obtained any documentation related to any notifications made during the scope period and verified appropriate procedures were followed.</p>
The pastor, school principal, agency director, or other person in charge of the location should complete written documentation of the report and actions taken.	<p>Reviewed all policies and procedures relating to the protection of minors and verified that this was explicitly stated.</p> <p>Interviewed parish, school, Archdiocesan personnel and verified appropriate procedures are followed when a report is made.</p>
If the abuse involves a cleric, the Director shall request all relating written reports from the seminary, parish, or school.	<p>Reviewed all policies and procedures relating to the protection of minors and verified that this was explicitly stated.</p> <p>Interviewed the Director and verified appropriate procedures are followed when a report is made.</p>
When the Archdiocese receives a report of child sexual abuse and makes a mandated report to law enforcement, the Archdiocese shall not conduct an internal investigation, and will not interfere in any way with law enforcement until law enforcement concludes its investigation, closes its file without investigation, or authorizes the Archdiocese to	<p>Reviewed all policies and procedures relating to the protection of minors and verified that this was explicitly stated.</p> <p>Obtained documentation that supports procedures were followed in accordance to the Agreement when a report was made.</p>

Section 6: Reporting Abuse	
Description of Policy/Procedure	Tests of Policy/Procedure
take action.	
<p>The Policies shall include the rights of the person who makes an allegation. This should include the following:</p> <ul style="list-style-type: none"> <li>-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</li> <li>-Advice 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</li> <li>-A timely response to inquiries and, as necessary, periodic updates as to the status or resolution of the report.</li> </ul>	Reviewed all policies and procedures relating to the protection of minors and verified that this was explicitly stated.
The Archdiocese shall provide parishes and schools materials for making a complaint, including print materials in the principal language in which the liturgy is celebrated.	<p>Reviewed copies of materials provided to parishes and schools and verified they are available in all principal languages (English, Spanish, Vietnamese, Polish, French and Korean). Observed these materials are also available on the Archdiocesan website.</p> <p>Interviewed parish and school personnel and verified that materials were provided.</p>
Establish a policy that prohibits retaliation against any cleric, employee, volunteer, parishioner, or other individual who in good faith reports sexual abuse of a minor or suspicions of sexual misconduct.	Reviewed the Whistleblower Policy and Codes of Conduct and verified that this was explicitly stated.
A statement should be published in the <i>Catholic Spirit</i> no less than four times per year for the term of the Agreement, urging those subject to	Reviewed copies of the <i>Catholic Spirit</i> and observed that information was published no less than four times in the past twelve months.



Section 6: Reporting Abuse	
Description of Policy/Procedure	Tests of Policy/Procedure
sexual abuse of a minor to contact law enforcement to make a report of the abuse.	
The Archdiocese shall continue to provide information in writing to seminaries, parishes, and schools regarding the prevention of abuse, training to identify signs of abuse, statements that the abused are not at fault and encouraging the reporting of abuse.	Observed a variety of information and resources that are available on the Archdiocesan website.  Interviewed parish, school, and seminary personnel and inquired of any information provided to them during the scope period.
If there is an allegation of sexual abuse of a minor involving the Archbishop or any Auxiliary Bishop, in addition to the notifications described above, the Director shall within a reasonable amount of time notify the Board.	Interviewed the Director and verified that he would be responsible for the handling and oversight of any such allegation.
<i>Results of Tests Performed</i>	
No exceptions were noted.	

## Section 7: Requirements for Clergy and Other Employees

Section 7 of the Agreement details additional requirements for Clergy and other employees. These requirements include:

- The Archdiocese shall use reasonable efforts not to include among personnel of the Archdiocese having substantial authority any individual whom the organization knew, or should have known through the exercise of due diligence, has engaged in sexual misconduct with minors.
- 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.
- The Archdiocese shall not assign a cleric for 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.
- 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 a cleric seeks assignment, transfer, or residence outside of the Archdiocese, the Archdiocese shall seek permission from the cleric to make available for review by the receiving diocese, religious community, or organization a complete copy of his clergy file and any other Archdiocesan files materially related to the cleric. If the cleric refuses, the Archdiocese shall notify the receiving entity that the cleric refused or is limiting access.
- The Archdiocese shall disclose any credible allegations 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.
- The Archdiocese shall have a policy that prohibits a cleric or Archdiocesan employee from recommending, an employee for a position that provides access to minors if the employee has a substantiated claim or pending credible allegation of sexual abuse of a minor against him or her.
- The Archdiocese shall continue to work with seminaries to prevent clergy sexual abuse of minors.
- Safe Environment resources and training shall be provided to seminarians no less than annually.
- The Office of the Director of Safe Environment shall be a resource for each Seminary regarding selection, evaluation, and formation of

## Section 7: Requirements for Clergy and Other Employees

seminary candidates.

- Each parish, school, and seminary shall designate a Safe Environment Coordinator to oversee the parish, school, or seminary program for screening, selecting, and supervising those working in the parish, school, or seminary who will have regular unsupervised contact with minors.
- The Office of the Director of Safe Environment shall provide training to such coordinators upon their assumption of those responsibilities and then no less than every three years thereafter.
- The Director shall request confirmation that a Safe Environment Coordinator has been designated in each parish, school, and seminary.
- If the location fails to confirm the designation, the Director shall within a reasonable time notify the Archbishop and the board of trustees of the location in writing.

Section 7: Requirements for Clergy and Other Employees

Description of Policy/Procedure	Tests of Policy/Procedure
<p>The Archdiocese shall use reasonable efforts not to include among personnel of the Archdiocese having substantial authority any individual whom the organization knew, or should have known through the exercise of due diligence, has engaged in sexual misconduct with minors.</p>	<p>Reviewed all policies and procedures relating to the protection of minors and verified that this was explicitly stated.</p> <p>Discussed with Archdiocesan personnel the procedures in place to ensure this practice is followed and is effective.</p>
<p>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.</p>	<p>Reviewed all policies and procedures relating to the protection of minors and verified that this was explicitly stated.</p> <p>Interviewed the Director and inquired of any situations in which an independent inquiry into a cleric's fitness for ministry was done during the scope period.</p>
<p>The Archdiocese shall not assign a cleric for 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.</p>	<p>Reviewed all policies and procedures relating to the protection of minors and verified that this was explicitly stated.</p> <p>Interviewed the Director and verified that no cleric was assigned for ministry who had a substantiated claim or pending credible allegation against him.</p>
<p>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.</p>	<p>Reviewed all policies and procedures relating to the protection of minors and verified that this was explicitly stated.</p>
<p>If a cleric seeks assignment, transfer, or residence outside of the Archdiocese, the Archdiocese shall seek permission from the cleric to make available for review by the receiving diocese, religious community, or organization a complete copy of his clergy file and any other Archdiocesan files materially related to the cleric. If the cleric refuses, the</p>	<p>Reviewed the Clergy Records Policy and verified that this was explicitly stated.</p> <p>Interviewed the Canonical Chancellor and Director and verified that this policy would be applied in the situations described.</p> <p>Reviewed copies of correspondence relating to</p>

Section 7: Requirements for Clergy and Other Employees

Description of Policy/Procedure	Tests of Policy/Procedure
Archdiocese shall notify the receiving entity that the cleric refused or is limiting access.	clerics who have relocated outside of the Archdiocese.
The Archdiocese shall disclose any credible allegations of sexual abuse of a minor to any Diocese, Catholic entity, or secular employer that inquiries about the existence of any allegation of sexual abuse of a minor with respect to any past or present cleric of the Archdiocese.	Reviewed all policies and procedures relating to the protection of minors and verified that this was explicitly stated.
The Archdiocese shall have a policy that prohibits a cleric or Archdiocesan employee from recommending an employee for a position that provides access to minors if the employee has a substantiated claim or pending credible allegation of sexual abuse of a minor against him or her.	Reviewed all policies and procedures relating to the protection of minors and verified that this was explicitly stated.  Discussed with Archdiocesan personnel the procedures in place to monitor this practice.
The Archdiocese shall continue to work with seminaries to prevent clergy sexual abuse of minors.	Interviewed seminary personnel and verified that the Archdiocese continues to work with them on the protection of children.  Observed documentation that supports the work done between the Archdiocese and seminary.
Safe Environment resources and training shall be provided to seminarians no less than annually.	Reviewed all policies and procedures relating to the protection of minors and verified that this was explicitly stated.  Obtained documentation and verified that resources and training were provided during the scope period.
The Office of the Director of Safe Environment shall be a resource for each seminary regarding selection, evaluation, and formation of seminary candidates.	Interviewed individuals associated with the seminaries, the Director and Deputy Director and verified that the Office of the Director has played an active role in the evaluation and formation of candidates and seminarians. Confirmed that the Office also consults with the rectors and formation personnel in their selection criteria of candidates and seminarians.
Each parish, school, and seminary shall	Interviewed Safe Environment personnel and

Section 7: Requirements for Clergy and Other Employees

Description of Policy/Procedure	Tests of Policy/Procedure
<p>designate a Safe Environment Coordinator to oversee the parish, school, or seminary program for screening, selecting, and supervising those working in the parish, school, or seminary who will have regular unsupervised contact with minors.</p>	<p>verified that locations must designate a safe environment coordinator.  Obtained a list of all parish/schools and verified they each have a designated safe environment coordinator.</p>
<p>The Office of the Director of Safe Environment shall provide training to such coordinators upon their assumption of those responsibilities and then no less than every three years thereafter.</p>	<p>Interviewed Safe Environment personnel and verified such training is provided.  Reviewed documentation confirming that training occurred during the scope period for safe environment coordinators.</p>
<p>The Director shall request confirmation that a Safe Environment Coordinator has been designated in each Parish, School, and Seminary.</p>	<p>Reviewed documentation confirming that all locations confirmed their safe environment coordinators with the Director.</p>
<p>If the location fails to confirm the designation, the Director shall within a reasonable time notify the Archbishop and the board of trustees of the location in writing.</p>	<p>Interviewed the Director and inquired of any locations that did not identify a safe environment coordinator.</p>
<p><b><i>Results of Tests Performed</i></b></p>	
<p>No exceptions were noted.</p>	

Section 8: Website Requirements
<p>After bankruptcy plan confirmation, or dismissal from the bankruptcy proceedings, or by December 31, 2016, whichever comes first, the Archdiocese agreed to consult with web developers to improve the Safe Environment resources on its website. These improvements include:</p> <ul style="list-style-type: none"> <li>• Prominently displaying how to report an incident of sexual abuse on the Safe Environment website.</li> <li>• To the extent reasonably feasible, the Archdiocese web page shall provide contact information or links to law enforcement agencies within the Archdiocese.</li> <li>• The Sexual Abuse Policy shall be easily accessible through a link on the Safe Environment website.</li> <li>• The Safe Environment website shall contain all Policies.</li> <li>• The website should be periodically updated as needed to remain current.</li> </ul>

Section 8: Website Requirements	
Description of Policy/Procedure	Tests of Policy/Procedure
The Archdiocesan website shall prominently display how to report an incident of sexual abuse on the Safe Environment website.	Reviewed the Archdiocesan website and verified that information on how to make a report was prominently displayed on the Safe Environment page.
To the extent reasonably feasible, the Archdiocese website shall provide contact information or links to law enforcement agencies within the Archdiocese.	Reviewed the Archdiocesan website and verified that contact information and/or links were available to the appropriate law enforcement agencies.
The Sexual Abuse Policy shall be easily accessible through a link on the Safe Environment website.	Reviewed the Archdiocesan website and verified that the Sexual Abuse Policy was easily accessible on the Safe Environment website.
The Safe Environment website shall contain all Policies.	Reviewed the Archdiocesan website and verified that all policies and procedures were made available.
The website should be periodically updated as needed to remain current.	Interviewed Archdiocesan personnel involved in the updating of the website. Verified that updates are done to the website, as necessary.

Section 8: Website Requirements	
<b>Description of Policy/Procedure</b>	<b>Tests of Policy/Procedure</b>
<i>Results of Tests Performed</i>	
No exceptions were noted.	

Section 9: Communication
<p>With regard to communications, the Archdiocese agreed to the following:</p> <ul style="list-style-type: none"> <li>• The Archdiocese shall provide assistance to pastors and principals so that they may appropriately respond to media inquiries and provide media response designed to reassure the community that abuse allegations are taken seriously and that the Archdiocese fully cooperates with civil authorities.</li> <li>• The Archdiocese shall make public disclosures of any future credible allegations of clergy sexual abuse of a minor that occurred in the Archdiocese involving a cleric who is still living.</li> <li>• The Archdiocese will encourage all potential victims to come forward.</li> <li>• The Policies shall require that all Archdiocesan employees use their Archdiocese-issued e-mail account when sending any communication related to their job functions.</li> <li>• The Archdiocese shall continue to make public disclosures of substantiated claims of sexual abuse of minors by clerics and pending credible allegations of sexual abuse of minors by clerics that are under investigation. 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 45 days after the relevant determination. The Archdiocese will also share this information with the public by issuing and posting a press release on its website.</li> <li>• With regard to a substantiated claim of sexual abuse of a minor by a cleric, at the conclusion of the canonical process for determination of clerical status, documents pertaining to the accusation of sexual abuse of a minor and the Archdiocese’s response to the claim shall be made accessible to the public.</li> </ul>



Section 9: Communication	
Description of Policy/Procedure	Tests of Policy/Procedure
The Archdiocese shall provide assistance to pastors and principals so that they may appropriately respond to media inquiries and provide media response designed to reassure the community that abuse allegations are taken seriously and that the Archdiocese fully cooperates with civil authorities.	Reviewed policies and procedures and verified that guidance regarding communicating with the media was included.
The Archdiocese shall make public disclosures of any future credible allegations of clergy sexual abuse of a minor that occurred in the Archdiocese involving a cleric who is still living.	Reviewed copies of public disclosures made during the scope period and verified that they were handled according to the policy.  Observed that public disclosures are available on the Archdiocesan website.
The Archdiocese will encourage all potential victims to come forward.	Interviewed Archdiocesan personnel to understand how the Archdiocese encouraged potential victims to come forward during the scope period.  Observed documentation that supports the Archdiocese did encourage victims to come forward.
The Policies shall require that all Archdiocesan employees use their Archdiocese-issued e-mail account when sending any communication related to their job functions.	Reviewed all policies and procedures relating to the protection of minors and verified that this was explicitly stated.  Reviewed contact information for Archdiocesan personnel and verified that e-mail addresses used were all Archdiocesan issued e-mail addresses.
The Archdiocese shall continue to make public disclosures of substantiated claims of sexual abuse of minors by clerics and pending credible allegations of sexual abuse of minors by clerics that are under investigation. 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	Reviewed Archdiocesan website and verified that names of credibly accused clergy are published.  Inquired of any names that were added during the scope period and obtained documentation and verified that the name was added within 45 days from the determination that the claim was

Section 9: Communication	
Description of Policy/Procedure	Tests of Policy/Procedure
shall be made as soon as reasonably practicable, but, in any event, no later than 45 days after the relevant determination. The Archdiocese will also share this information with the public by issuing and posting a press release on its website.	credible.  Discussed with the Director the procedures for how this occurs.  Reviewed the Archdiocesan website for notices to this effect.
With regard to a substantiated claim of sexual abuse of a minor by a cleric, at the conclusion of the canonical process for determination of clerical status, documents pertaining to the accusation of sexual abuse of a minor and the Archdiocese's response to the claim shall be made accessible to the public.	Inquired of any recent substantiated claims that have gone through the canonical process and ensured that notice was published on the Archdiocesan website.
<i>Results of Tests Performed</i>	
No exceptions were noted.	

**Section 10: Ministerial Review Board**

Section 10 of the Agreement stipulates the requirements of the Ministerial Review Board. The Archdiocese agreed to the following:

- The Director shall consider recommendations by the County in the appointment of members to the Ministerial Review Board.
- The policies governing the board shall define what types of issues are to be reviewed.
- The policies shall include guidelines the board will follow when making recommendations in each case.
- The policies shall be made available to the public.
- The policies shall provide that the Director will advise the members of the board of the final action by the Archdiocese in each case after the board’s review and recommendation.
- Minutes shall be taken at each meeting.
- Minutes shall be retained and filed by the Director and shall include:
  - The date and times of meetings
  - Identification of attendees
  - Listing of agenda items
  - A brief summary of any advisory assessments on clergy
  - A brief summary of consultation by the board on any other matter
- The board shall provide its expertise and assist as requested with developing policies and appropriate mechanisms to further ensure the protection of minors.
- The Director shall consult with members of the board and the Victim Assistance Coordinator to identify candidates for a vacancy on the board. The Director shall recommend candidates to the Archbishop, who shall appoint board members in consultation with the Director.
- The names and credentials of the board members shall be provided to the County.

<b>Description of Policy/Procedure</b>	<b>Tests of Policy/Procedure</b>
The Director shall consider recommendations by the County in the appointment of members to the Ministerial Review Board.	Interviewed the Director and inquired of any recommendations made by the County in the appointment of members to the Board.
The policies governing the board shall define what types of issues are to be reviewed.	Reviewed all policies and procedures governing the Ministerial Review Board and verified that this was explicitly stated.
The policies shall include guidelines the board will follow when making recommendations in each case.	Reviewed all policies and procedures governing the Ministerial Review Board and verified that this was explicitly stated.

Section 10: Ministerial Review Board	
Description of Policy/Procedure	Tests of Policy/Procedure
The policies shall be made available to the public.	Observed that the Archdiocese made the policies available to the public on its website.
The policies shall provide that the Director will advise the members of the board of the final action by the Archdiocese in each case after the board's review and recommendation.	Reviewed all policies and procedures governing the Ministerial Review Board and verified that this was explicitly stated.
Minutes shall be taken at each meeting.	Reviewed all policies and procedures governing the Ministerial Review Board and verified that this was explicitly stated.  Reviewed copies of agendas and minutes for meetings held during the scope period.
Minutes shall be retained and filed by the Director and shall include: <ul style="list-style-type: none"> <li>- The date and times of meetings</li> <li>- Identification of attendees</li> <li>- Listing of agenda items</li> <li>- A brief summary of any advisory assessments on clergy</li> <li>- A brief summary of consultation by the board on any other matter</li> </ul>	Reviewed all policies and procedures governing the Ministerial Review Board and verified that this was explicitly stated.  Reviewed copies of agendas and minutes for all meetings held during the scope period and verified that this information was included.
The board shall provide its expertise and assist as requested with developing policies and appropriate mechanisms to further ensure the protection of minors.	Interviewed four members of the Ministerial Review Board (in addition to the three interviewed separately in 2017) and inquired of their role in developing policies and procedures.  Reviewed agendas and minutes of board meetings and verified with board members that they assisted in the development of policies and procedures.
The Director shall consult with members of the board and the Victim Assistance Coordinator to	Interviewed the Director and board members and verified that the board was consulted regarding

Section 10: Ministerial Review Board	
identify candidates for a vacancy on the board.	vacancies.
The Director shall recommend candidates to the Archbishop, who shall appoint board members in consultation with the Director.	Interviewed the Director and board members and verified that they are involved in the selection of new appointments.
The names and credentials of the board members shall be provided to the County.	Obtained a roster of all board members, including their credentials and verified that this information was provided to the County.  Confirmed with the County that they are aware of the individuals serving on the board.
<i>Results of Tests Performed</i>	
No exceptions were noted.	

Section 11: POMS Program

In accordance with the zero-tolerance policy set forth in the Charter for the Protection of Children and Young People established by the United States Conference of Catholic Bishops, the Archdiocese shall not use the POMS Program to mitigate risk to minors, but instead shall rely on an assessment of fitness for ministry involving the Director, the Ministerial Review Board, and the Archbishop.

In all cases regarding an assessment of fitness for ministry, the Ministerial Review Board may seek additional information or may seek additional information or may recommend limits on ministry service as necessary to promote a safe environment for minors.

If the Archdiocese has determined that the POMS program is or remains appropriate for a clergy member with allegations of sexual misconduct involving minor(s), the Archdiocese shall notify Ramsey County of that determination, providing the name and address of the cleric in question and providing such further information and other cooperation as Ramsey County may reasonably request.

Before a recommendation is made to discharge a cleric from the POMS Program, the Ministerial Review Board shall undertake a full review of the cleric’s file.

The Ministerial Review Board shall document its recommendation regarding the discharge from the POMS Program, and that recommendation shall be placed in the cleric’s file.

If the cleric was the subject of a substantiated claim of sexual abuse of a minor, the Director shall advise Ramsey County if such cleric is discharged from the POMS Program.

2017-18 UPDATE: The Archdiocese discontinued use of the POMS program during this audit period. The program has evolved to what is now called the Clergy Support Initiative. Individualized plans are developed that establish monitoring criteria specific to each cleric. The program is administered by the Assistant Director of Ministerial Standards & Safe Environment and the Director of Clergy Services.

Description of Policy/Procedure	Tests of Policy/Procedure
<p>The Archdiocese shall not use the POMS Program to mitigate risk to minors, but instead shall rely on an assessment of fitness for ministry involving the Director, the Ministerial Review Board, and the Archbishop.</p>	<p>Inquired of Archdiocesan personnel regarding the use of the Clergy Support Initiative during the scope period.</p> <p>Reviewed documentation of assessments done during the scope period and confirmed they are completed in accordance with the Agreement.</p>
<p>The Ministerial Review Board may seek additional information or may recommend limits on ministry service as necessary to promote a safe environment for minors.</p>	<p>Inquired of board members about completing assessments and verified that additional requests are accommodated.</p>

Section 11: POMS Program	
<p>If the Archdiocese has determined that the POMS program is or remains appropriate for a clergy member with allegations of sexual misconduct involving minor(s), the Archdiocese shall notify Ramsey County of that determination, providing the name and address of the cleric in question and providing such further information and other cooperation as Ramsey County may reasonably request.</p>	<p>Reviewed documentation supporting the use of the Clergy Support Initiative for clergy and verified that this information was sent to Ramsey County with complete information for the cleric.</p>
<p>Before a recommendation is made to discharge a cleric from the POMS Program, the Ministerial Review Board shall undertake a full review of the cleric's file.</p>	<p>Interviewed board members and inquired of any reviews done during the scope period.</p> <p>Reviewed documentation of recommendations to discharge a cleric from the Clergy Support Initiative and verified that procedures were followed.</p>
<p>The Ministerial Review Board shall document its recommendation regarding the discharge from the POMS Program, and that recommendation shall be placed in the cleric's file.</p>	<p>Reviewed documentation from the Ministerial Review Board supporting a recommendation for discharge from the Clergy Support Initiative.</p> <p>Reviewed cleric files and verified that this information was included.</p>
<p>If the cleric was the subject of a substantiated claim of sexual abuse of a minor, the Director shall advise Ramsey County if such cleric is discharged from the POMS Program.</p>	<p>Interviewed the Director and inquired of any discharges from the Clergy Support Initiative.</p> <p>Reviewed copies of any correspondence between the Director and the Ramsey County during the scope period and verified that the communication was appropriate and done in a timely manner.</p>
<b><i>Results of Tests Performed</i></b>	
<p>No exceptions were noted.</p>	

## Section 12: Recordkeeping

The policies developed by the Archdiocese must include policies for the acceptable use of Archdiocesan computers and electronic devices, the screening of electronic devices, and the retention of documents and electronically stored information. Per the Agreement, the policies shall address the following issues:

- The Archdiocese shall maintain a record of electronic devices (computers, laptops, tablets, etc.) that are Archdiocese property in the possession of clergy, employees, or volunteers.
- When there is reasonable cause to believe that a cleric, employee or volunteer has violated policies relating to electronic devices of their usage in a manner that involves sexual misconduct with a minor, the Archdiocese shall secure the electronic device for evidentiary value.
- If the Archdiocese learns of the existence of a computer or other electronic communications device that may have relevance to, or possible evidentiary value in, a law enforcement investigation of clergy sexual abuse of a minor, the Director shall promptly notify the appropriate law enforcement agency having jurisdiction.
- A written policy shall be developed regarding the handling of evidence, including computers or electronic devices that relates to any internal investigation.
- The Office of the Director shall maintain records relating to clergy and the Safe Environment Program.
- The Office of the Director shall maintain records of the training sessions and educational requirements required under the policies.
- The Archdiocese shall maintain files for all clergy.
- The Archdiocese shall have a policy in place to not destroy clergy files.
- Files may be maintained electronically.
- Clergy files shall contain the following records:
  - Signed documents as required under the policies
  - Copies of all returned background checks
  - Internal memos or documents regarding clergy misconduct
  - Records of any allegation of sexual abuse of a minor
  - Records of any mandatory report made to law enforcement about the cleric
  - Records of any internal investigations
  - Records relating to review by the Ministerial Review Board
  - Information pertaining to the POMS program, if applicable



Section 12: Recordkeeping	
Description of Policy/Procedure	Tests of Policy/Procedure
The Archdiocese shall maintain a record of electronic devices (computers, laptops, tablets, etc.) that are Archdiocese property in the possession of clergy, employees, or volunteers.	<p>Reviewed all policies and procedures governing the Acceptable Use of electronic devices and verified that this was explicitly stated.</p> <p>Obtained an inventory listing of all electronic devices that are maintained in the Archdiocese.</p>
When there is reasonable cause to believe that a cleric, employee or volunteer has violated policies relating to electronic devices of their usage in a manner that involves sexual misconduct with a minor, the Archdiocese shall secure the electronic device for evidentiary value.	<p>Reviewed all policies and procedures governing the Acceptable Use of electronic devices and verified that this was explicitly stated.</p> <p>Inquired of the process the Archdiocese follows if there is reasonable cause to believe that a cleric, employee, or volunteer is misusing electronic devices.</p>
If the Archdiocese learns of the existence of a computer or other electronic communications device that may have relevance to, or possible evidentiary value in, a law enforcement investigation of clergy sexual abuse of a minor, the Director shall promptly notify the appropriate law enforcement agency having jurisdiction.	<p>Reviewed all policies and procedures governing the Acceptable Use of electronic devices and verified that this was explicitly stated.</p> <p>Inquired of the process the Archdiocese follows if there is reasonable cause to believe that a cleric, employee, or volunteer is misusing electronic devices.</p>
A written policy shall be developed regarding the handling of evidence, including computers or electronic devices that relates to any internal investigation.	Reviewed all policies and procedures governing the Acceptable Use of electronic devices and verified that this was explicitly stated.
The Office of the Director shall maintain records relating to clergy and the Safe Environment Program.	<p>Reviewed all policies and procedures governing recordkeeping practices and verified that this was explicitly stated.</p> <p>Observed the records maintained by the Director and verified that they included all information related to the Safe Environment program.</p>
The Office of the Director shall maintain records of the training sessions and educational	Reviewed all policies and procedures governing recordkeeping practices and verified that this

Section 12: Recordkeeping	
Description of Policy/Procedure	Tests of Policy/Procedure
requirements required under the policies.	was explicitly stated.  Reviewed the records maintained by the Director, noting that they included specific documentation related to safe environment compliance.
The Archdiocese shall maintain files for all clergy.	Reviewed all policies and procedures governing recordkeeping practices and verified that this was explicitly stated.  Reviewed our sample selection of 38 clergy files that were maintained by the Archdiocese and observed they included supporting documentation related to Save Environment program requirements.
The Archdiocese shall have a policy in place to not destroy clergy files.	Reviewed all policies and procedures governing recordkeeping practices with the Chancellor and verified that this was explicitly stated.
Files may be maintained electronically.	Reviewed all policies and procedures governing recordkeeping practices and verified that this was explicitly stated.
Clergy files shall contain the following records:  -Signed documents as required under the policies -Copies of all returned background checks -Internal memos or documents regarding clergy misconduct -Records of any allegation of sexual abuse of a minor -Records of any mandatory report made to law enforcement about the cleric -Records of any internal investigations -Records relating to review by the Ministerial Review Board -Information pertaining to the POMS program, if applicable	Reviewed all policies and procedures governing recordkeeping practices and verified that this was explicitly stated.  Reviewed our sample selection of 38 clergy files and noted that they included specific documentation related to safe environment compliance.

Section 12: Recordkeeping	
<b>Description of Policy/Procedure</b>	<b>Tests of Policy/Procedure</b>
<i>Results of Tests Performed</i>	
No exceptions were noted.	

Section 13: Other
<p>Section 13 of the Agreement specifies “other” requirements of the Archdiocese, including the following items:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• In instances where a claim of sexual abuse of a minor is substantiated, if requested, the Archdiocesan leadership shall meet with the victim/survivor or his or her support person(s) as may be reasonably arranged, with due respect for the needs of the victim/survivor.</li> <li>• In instances where a claim of sexual abuse of a minor is substantiated, if requested, the Archbishop shall, on behalf of the Archdiocese, send a personally signed letter of apology to the victim/survivor.</li> <li>• The Archdiocese shall continue to maintain an independent mechanism where concerns regarding misconduct or suspected misconduct can be reported. It should provide for 24/7 access and allow reports to be made by phone or through a confidential web-based reporting mechanism.</li> <li>• The Archdiocese should explore the need for and feasibility of a “Clergy Assistance Plan” that provide clerics with an ability to seek help in times of need or personal crisis, including from an outside provider and in a manner that provides anonymity if desired.</li> <li>• 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.</li> <li>• Removal of any photos and any visible honors for a cleric with a substantiated claim of sexual abuse of a minor.</li> <li>• Have an ombudsperson in place no later than the expiration of the Agreement to provide an outside resource for victims of sexual abuse.</li> <li>• The Archdiocese shall have a policy to provide law enforcement in the appropriate jurisdiction with the known residential address of each cleric having a substantiated claim or pending credible allegation of sexual abuse of a minor.</li> </ul>

Section 13: Other

- Within 120 days of the effective date of the Agreement, the Archdiocese shall develop a model policy for use by parishes requiring notification to the board of trustees of a parish where clergy are permitting long-term residents in rectories.
- The Director shall have an adequate budget so that the Director unilaterally or the Ministerial Review Board as a body may retain outside legal counsel solely regarding the matters of ministerial standards and safe environment.
- The Director and the Ministerial Review Board shall not be required to confer with or rely only upon internal legal services.
- In the event the position of Director becomes vacant, the Archbishop will consult with the Ministerial Review Board and the Board regarding candidates to fill the position.

Description of Policy/Procedure	Tests of Policy/Procedure
<p>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.</p>	<p>Verified that materials are available on the website and in print at the parishes and schools to encourage the reporting of abuse.</p>
<p>In instances where a claim of sexual abuse of a minor is substantiated, if requested, the Archdiocesan leadership shall meet with the victim/survivor or his or her support person(s) as may be reasonably arranged, with due respect for the needs of the victim/survivor.</p>	<p>Interviewed the Archbishop and inquired of any meetings held with victims during the scope period.</p> <p>Reviewed documentation for meetings held during the scope period.</p>
<p>In instances where a claim of sexual abuse of a minor is substantiated, if requested, the Archbishop shall, on behalf of the Archdiocese, send a personally signed letter of apology to the victim/survivor.</p>	<p>Interviewed the Archbishop and inquired of any letters written to victims during the scope period.</p>
<p>The Archdiocese shall continue to maintain an independent mechanism where concerns regarding misconduct or suspected misconduct can be reported. It should provide for 24/7 access and allow reports to be made by phone or through a confidential web-based reporting mechanism.</p>	<p>Verified that an independent mechanism exists to report abuse independently via phone and/or Internet.</p>
<p>The Archdiocese should explore the need for and feasibility of a “Clergy Assistance Plan” that</p>	<p>Interviewed Archdiocesan personnel and inquired about efforts to develop a Clergy</p>

Section 13: Other	
provide clerics with an ability to seek help in times of need or personal crisis, including from an outside provider and in a manner that provides anonymity if desired.	Assistance Plan.
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.	Interviewed Archdiocesan personnel verified that the Archdiocese has not entered into any settlement agreements during the scope period.
Removal of any photos and any visible honors for a cleric with a substantiated claim of sexual abuse of a minor.	Observed correspondence from Archdiocese to parishes/schools requesting these be removed.
Have an ombudsperson in place no later than the expiration of the Agreement to provide an outside resource for victims of sexual abuse.	Interviewed the ombudsperson confirming he serves as a resource for victims of sexual abuse.
The Archdiocese shall have a policy to provide law enforcement in the appropriate jurisdiction with the known residential address of each cleric having a substantiated claim or pending credible allegation of sexual abuse of a minor.	Reviewed all policies and procedures governing the protection of minors and verified that this was explicitly stated.  Reviewed documentation where this communication occurred.
Within 120 days of the effective date of the Agreement, the Archdiocese shall develop a model policy for use by parishes requiring notification to the board of trustees of a parish where clergy are permitting long-term residents in rectories.	Obtained a copy of the model policy and verified that this was developed within 120 days of the effective date of the Agreement.
The Director shall have an adequate budget so that the Director unilaterally or the Ministerial Review Board as a body may retain outside legal counsel solely regarding the matters of ministerial standards and safe environment.	Interviewed the Director and confirmed that the Safe Environment office has a separate line-item in the budget which is adequate for the needs of the his office.
The Director and the Ministerial Review Board shall not be required to confer with or rely only upon internal legal services.	Interviewed the Director and confirmed that the Safe Environment office is not restricted to only use internal counsel.

Section 13: Other	
In the event the position of Director becomes vacant, the Archbishop will consult with the Ministerial Review Board and the Board regarding candidates to fill the position.	Interviewed the Archbishop and confirmed that this was his understanding concerning this role.
<b><i>Results of Tests Performed</i></b>	
No exceptions were noted.	

## Section 14: Compliance

As part of the compliance stipulations under the Agreement, the Archdiocese is required to institute a reasonable timeline for compliance with the Policies and shall define the corrective and disciplinary measures to be used where clergy, seminarians, employees, or volunteers of the Archdiocese fail to adhere to policy requirements.

If clergy are found non-compliant with the requirements of the Essential 3, at a minimum, they shall be removed from service involving regular or unsupervised contact with minors until they have completed all the requirements. If non-compliance is discovered at the seminary, school, or parish level, the Archdiocese shall request employees and volunteers be removed from service until they have completed all requirements. If not removed from service, the Director shall promptly notify the Archbishop and the parish, seminary, or school board of trustees.

To verify compliance, the Agreement requires the Archdiocese to conduct periodic audits of parishes, schools, and seminaries. A request to audit shall be made of each parish, school, or seminary at least once every seven years. During each term of the Agreement, the Director shall request to audit no less than 15% of the total parishes of the Archdiocese. If a location refuses, the Director shall notify the Archbishop and the applicable board of trustees.

In addition to the periodic audits, the Archdiocese shall request that parishes, schools, and seminaries conduct an external review of procedures for both Safe Environment and finance compliance each time there is a change of pastor or other leader. The Archdiocese shall request that these results be provided to the Director.

In addition to the efforts put forth internally to ensure compliance, the Agreement stipulates that the Archdiocese must also have an external audit on an annual basis for the term of the Agreement. The Agreement requires the following:

- A written retention agreement with the audit firm shall explicitly state that the audit report will be provided to Ramsey County.
- Ramsey County shall have unrestricted access to the auditing personnel, both during and for a reasonable period after each audit, as well as access to work papers and underlying supporting documents Ramsey County may request to review.
- The first annual onsite audit will cover the period from the last date of execution of the Agreement through June 30, 2017.
- The results of each audit shall be provided to the Archbishop, other members of the Board, the Director, members of the Archdiocese Finance Council, the Chairman of the Presbyteral Council, members of the Ministerial Review Board, Chancellor for Civil Affairs, Chancellor for Canonical Affairs, Ramsey County, and any other persons who in the Director's judgment should receive the report.

Section 14: Compliance
<ul style="list-style-type: none"> <li>• Within 60 days of the completion of each required annual audit, the Director shall cause the audit report to be made available on the Safe Environment website, and concurrently, arrange to have a fair executive summary of the report published in the <i>Catholic Spirit</i>.</li> <li>• The Archdiocese shall issue a public statement each year at the time the audit report is available for review and may otherwise distribute the report in any other manner.</li> </ul>

Section 14: Compliance	
Description of Policy/Procedure	Tests of Policy/Procedure
The Archdiocese shall institute a reasonable timeline for compliance with the Policies and shall define the corrective and disciplinary measures to be used where clergy, seminarians, employees, or volunteers of the Archdiocese fail to adhere to policy requirements.	<p>Reviewed all policies and procedures governing the protection of minors and verified that corrective and disciplinary measures have been established.</p> <p>Interviewed the Director and verified these measures are followed, as necessary.</p>
If clergy are found non-compliant with the requirements of the Essential 3, at a minimum, they shall be removed from service involving regular or unsupervised contact with minors until they have completed all the requirements.	<p>Interviewed the Director and inquired of any clergy who were found non-compliant during the scope period.</p> <p>Reviewed a sample of clergy files for correspondence relating to this issue.</p>
If non-compliance is discovered at the seminary, school, or parish level, the Archdiocese shall request employees and volunteers be removed from service until they have completed all requirements.	Reviewed all policies and procedures governing the protection of minors and verified that this was explicitly stated.
If not removed from service, the Director shall promptly notify the Archbishop and the parish, seminary, or school board of trustees.	<p>Reviewed all policies and procedures governing the protection of minors and verified that this was explicitly stated.</p> <p>Requested correspondence that was sent from the Director related to this issue during the scope period.</p>

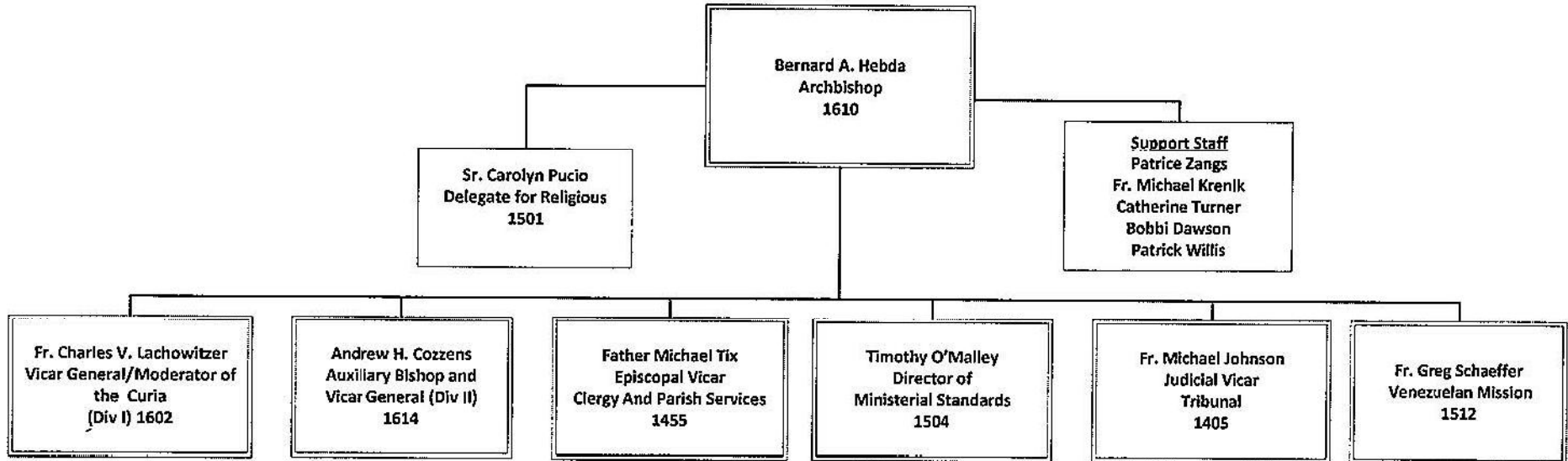


Section 14: Compliance	
Description of Policy/Procedure	Tests of Policy/Procedure
A request to audit shall be made of each parish, school, or seminary at least once every seven years. During each term of the Agreement, the Director shall request to annually audit no less than 15% or 43 of the total parishes of the Archdiocese.	<p>Reviewed documentation to support audits completed during the scope period. Verified that 58 audits were conducted within the past twelve months.</p> <p>Reviewed the results of the audits with the Director and discussed any corrective actions if issues were noted.</p>
The Archdiocese shall request that parishes, schools, and seminaries conduct an external review of procedures for both Safe Environment and finance compliance each time there is a change of leadership and that they report the results to the Director.	Reviewed correspondence from the Office of Ministerial Standards and Safe Environment that was addressed to all locations requesting that they conduct reviews involving Safe Environment compliance and finance when there is a change of leadership and report the results of these reviews (See Comment Below).
If a location refuses, the Director shall notify the Archbishop and the applicable board of trustees.	Interviewed the Director and inquired of any locations that refused to be audited. Requested any correspondence sent to the Archbishop and board for refusals.
<i>Results of Tests Performed</i>	
No exceptions were noted.	
<i>Other Comment</i>	
We observed that the Archdiocese has provided general correspondence to parishes, schools and seminaries requesting that external reviews of Safe Environment procedures be conducted when they experience a change in leadership and that the results be communicated to the Director. However, although requested, these reviews may not be actually occurring at all of the locations experiencing a leadership change.	

Exhibit I - Archdiocese Organizational Flowcharts



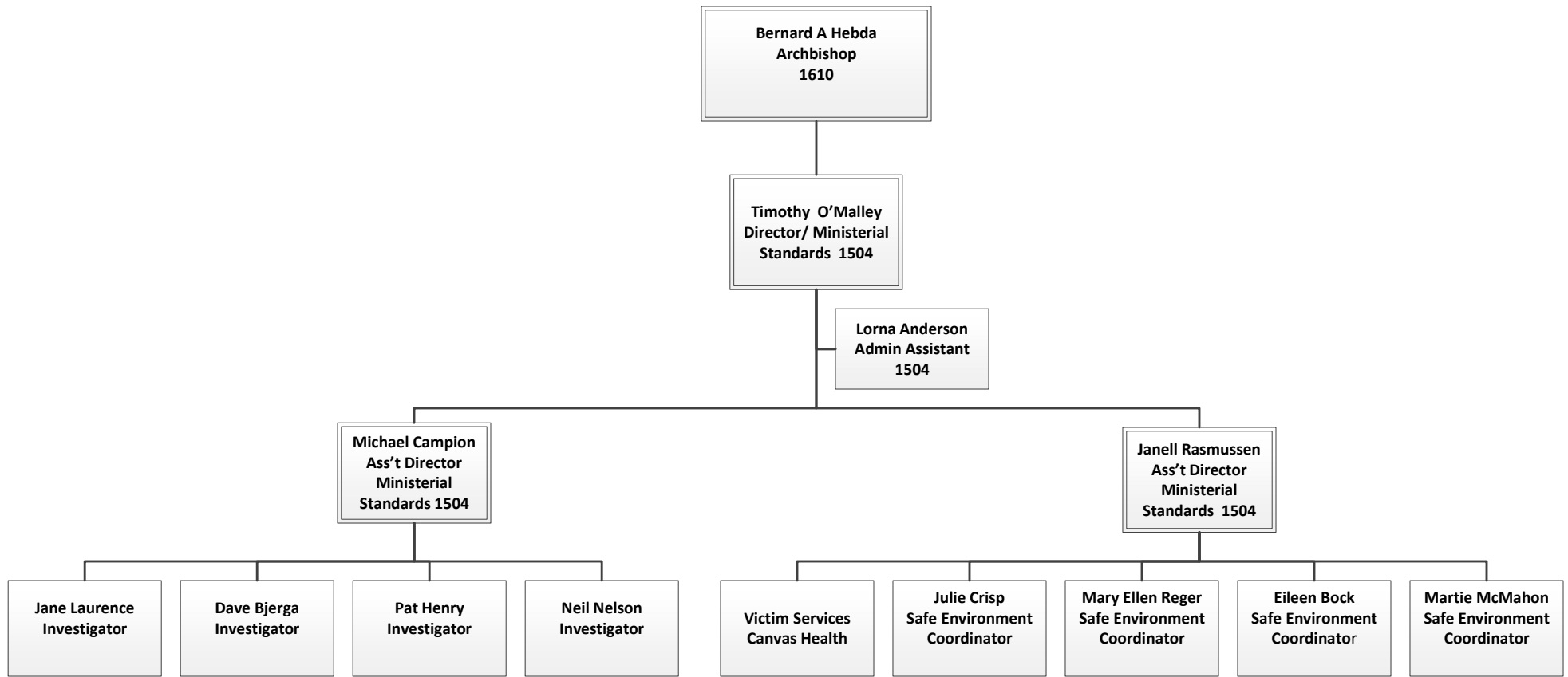
Archbishop's Office





ARCHDIOCESE  
OF  
SAINT PAUL &  
MINNEAPOLIS

## Office of Ministerial Standards and Safe Environment



STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT  
JUVENILE COURT DIVISION

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In the Matter of the Welfare of:

MNCIS Group:  
Court File No.: 62-JV-15-1674  
CA File No.: 2138749

VICTIM-1, a child identified in police reports;

VICTIM-2, a child identified in police reports; and

VICTIM-3, a child identified in police reports.

**STIPULATION TO  
STAY PROCEEDINGS**

Respondent:

The Archdiocese of Saint Paul and Minneapolis,  
a Minnesota corporation,  
226 Summit Avenue  
St. Paul, MN 55102  
651-291-4400

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The parties, having reached settlement in the above-captioned matter to further their respective and mutual interests in protecting minors from sexual abuse, and recognizing the complexity of the captioned matter, and without any admission of liability,

IT IS HEREBY STIPULATED by and between the parties, through their respective undersigned counsel, as follows:

1. that the parties have entered into a Settlement Agreement ("Agreement"), which is contingent upon approval of the United States Bankruptcy Court;
2. that the Agreement is intended to further the statutory goals of Minn. Stat. § 260C.335;
3. that further proceedings in the above-captioned matter be stayed for thirty-six (36)

months, the agreed-upon term of the Agreement, from the date of approval by the United States Bankruptcy Court;

4. that the Court retain jurisdiction of the above-captioned matter during the pending thirty-six (36) month period;

5. that the parties appear before the Court at approximately six-month (6 month) intervals over the term of the Agreement to report to the Court on the ongoing status, implementation and progress of the Agreement;

6. that the parties agree that no other or further claims or crossclaims shall be brought by any party in the above-captioned matter, except for litigation to enforce the Agreement should that become necessary;

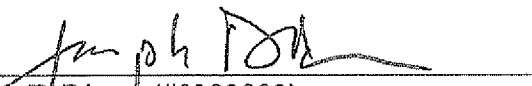
7. that the Agreement is attached to this stipulation; and

8. that the parties agree this stipulation and the Agreement are public documents.

Respectfully submitted,

FREDRIKSON AND BYRON, P.A.

Dated: 12/12/15

By:   
Joseph T. Dixon (#0283903)  
Andrew F. Johnson (#0390783)  
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Dated: 12/17/15

JOHN J. CHOI  
RAMSEY COUNTY ATTORNEY

By: 

John J. Choi (#257175)  
Ramsey County Attorney  
John T. Kelly (#214098)  
First Assistant County Attorney  
Thomas E. Ring (#25082X)  
Assistant County Attorney  
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Assistant County Attorney

Office of the Ramsey County Attorney  
345 Wabasha Street North, Suite 120  
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651-266-3222

**SETTLEMENT AGREEMENT**

This Settlement Agreement (“Agreement”) is entered by and between The Archdiocese of St. Paul and Minneapolis, a Minnesota corporation, and the Ramsey County Attorney (“RCAO”).

**RECITALS**

WHEREAS, the Parties agree that the Archdiocese shall seek to create and foster an organizational culture in which everyone becomes and remains vigilant about achieving an overall aspirational goal that no child ever again be the victim of clergy sexual abuse.

WHEREAS, the RCAO initiated the Civil Action on June 3, 2015 petitioning the Court for an order that the Archdiocese show cause why it should not be subject to the jurisdiction of the Court for contributing to a child’s need for protection or services; and

WHEREAS, the Court found probable cause to support issuance of the order requested by the RCAO; and

WHEREAS, the Archdiocese has taken and is taking steps to substantially enhance its Safe Environment Program; and

WHEREAS, the Archdiocese denies that it is contributing to a child’s need for protection or services; and

WHEREAS, the Archdiocese initiated Bankruptcy Proceedings before the Civil Action was brought, and now seeks to pursue resolution of the Civil Action in a prudent manner consistent with the protection of assets available for creditors; and

WHEREAS, the RCAO seeks to protect the community and hold individuals and organizations accountable for injurious conduct as required by law and the interests of justice; and

WHEREAS, the Parties agree that this Agreement will advance their mutual interests in the protection of minors beyond what may otherwise be obtained through further litigation; and

NOW, THEREFORE, the Parties, in consideration of the promises and mutual undertakings contained in this Agreement, here promise their respective best efforts to achieve with deliberate speed the following terms and conditions of settlement:

## AGREEMENT

A. **Definitions.** The Parties have defined certain terms used within this Agreement that are provided below:

“Adult Volunteer” means an adult volunteer for the Archdiocese or a Parish or School who has regular or unsupervised contact with unrelated minors.

“Archbishop” means the sitting Archbishop of St. Paul and Minneapolis (or the appointed Apostolic Administrator).

“Archdiocese” means that certain corporate entity formed, maintained and existing under Minnesota Section 315.16 with Minnesota Business Name: “The Archdiocese of St. Paul and Minneapolis”.

“Archdiocese Territory” means the twelve (12) counties of the greater Twin Cities metropolitan area: Ramsey, Hennepin, Washington, Dakota, Anoka, Carver, Wright, Scott, Chisago, LeSueur, Rice, and Goodhue; and those persons outside the geographical territory over whom the Archdiocese has the ability to direct or control.

“Auxiliary Bishop(s)” means the Most Rev. Andrew H. Cozzens and any other titular bishop assigned to and serving the Archdiocese.

“Bankruptcy Proceedings” means the Chapter 11 Bankruptcy case captioned *In re: The Archdiocese of Saint Paul and Minneapolis, Debtor* before the United States Bankruptcy Court for the District of Minnesota, Bankruptcy Case No.: 15-30125.

“Board” means the duly constituted serving Board of Directors of the Archdiocese.

“Civil Action” means that certain civil proceeding initiated by the RCAO on June 3, 2015 that has been assigned case file number 62-JV-15-1674 by the Ramsey County District Court.

“Clergy” means any persons ordained – bishops, priests, and deacons – who administer the rites of the Catholic Church.

“Cleric” means a member of the Clergy.

“Code of Conduct” means the Code of Conduct for Clergy, the Code of Conduct for Church Personnel, the Code of Conduct for Adult Volunteers, and the Code of Conduct for Youth Volunteers, as applicable.

“Court” means the Ramsey County (Minnesota) District Court.



“Director” means the Archdiocese employee responsible for managing Archdiocese processes for handling allegations of clergy misconduct and for leading the Office of Ministerial Standards and Safe Environment.

“Ministerial Review Board” means the advisory, consultative body assembled to advise the Archbishop and his staff regarding clergy misconduct. The Ministerial Review Board may also review and offer recommendations regarding Archdiocese policies and processes relating to misconduct.

“Parish” means a parish within the Archdiocese Territory that is Archdiocese-recognized as Catholic.

“Parties” means the Archdiocese and the Ramsey County Attorney.

“Pastor” means a Parish pastor or a parochial administrator, as the case may be.

“Policies” means Archdiocese policies relating to the sexual abuse of minors, including the Codes of Conduct for Catholic Church clergy, employees, and volunteers.

“POMS Program” (or its equivalent) means the Archdiocese’s internal program for clergy the Archdiocese desires to have supervised.

“RCAO” means the Ramsey County Attorney or the Office of the Ramsey County Attorney.

“Safe Environment Program” means all policies, procedures, and programming that contributes to the protection of minors.

“School” means a primary school or a secondary school within the Archdiocese Territory that is Archdiocese-recognized as Catholic.

“Seminary” or “Seminaries” means the St. Paul Seminary, St. John Vianney Seminary, or both.

**B. Basis for Civil Action.** The factual basis for the Civil Action as alleged by the RCAO is contained in the Petition for Order to Show Cause.

**C. Statement of the Archdiocese.** The Archdiocese may choose to issue a public statement relating to entering this Agreement, both in writing and through public statements of its representatives. The RCAO agrees that such statements, if made by the Archdiocese, would not be admissible as evidence in any proceeding between the RCAO and Archdiocese.

**D. Letter of Apology; Meeting with Victims.** The Archbishop shall send a private letter of apology to the victims and family of this action through their respective counsel. In that letter, he will offer to meet with the victims and their family. The RCAO agrees that this letter would not be admissible as evidence in any proceeding between the RCAO and Archdiocese.

- E. Conference for Restorative Justice and Reconciliation.** Within eighteen (18) months of confirmation of a plan of reorganization, or dismissal of the Bankruptcy Proceedings, the Archdiocese will convene and participate in a one-day “Conference for Restorative Justice and Reconciliation” (the “Conference”) at an appropriate location to be determined. The invitees shall include, at a minimum, victims of sexual abuse, those interested and relevant stakeholders of the Archdiocese, as well as those interested and relevant stakeholders within those dioceses that constitute the Ecclesiastical Province of St. Paul and Minneapolis. A planning committee will include representatives of the Archdiocese and the RCAO, and the hosting institution as applicable. The Conference will be funded by the Archdiocese.
- F. Restorative Justice Sessions.** The Archbishop and the Auxiliary Bishop also agree to participate in mutually agreed upon restorative justice sessions to be convened by the Parties during a two-year period following the last date of execution of this Agreement. These sessions are contemplated to include meetings with victims and their families, as a victim or his/her family may request
- G. Safe Environment Compliance Standards.** The Archdiocese agrees to continue its ongoing efforts to improve its Safe Environment Program and, as may be required by this Agreement, to enhance its program to meet each of these standards within the timeframes specified below:
- 1. Continuation of Efforts**
    - 1.1. The Archdiocese agrees that the compliance standards provided herein are intended by the Parties to enhance and to improve its Safe Environment Program.
    - 1.2. The Archdiocese shall continue to implement those recommendations made by the Safe Environment and Ministerial Standards Task Force in its “Report and Recommendations to Protect Children from Clergy Sexual Abuse” as submitted to the Episcopal Vicar for Ministerial Standards on March 31, 2014, that are incorporated herein.
  - 2. Oversight**
    - 2.1. Board of Directors. The Board 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.
      - a. The Board’s Audit Committee (or the Board as a whole) shall meet with the Director as often as it determines necessary to assess and evaluate the Safe Environment Program at the highest level of the Archdiocese, but in any event, no less than once every six months. Formal written agendas and minutes of this committee shall be maintained as part of the corporate records.
    - 2.2. 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 assessed effectiveness of said program.

- 2.3. Ministerial Review Board. 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 the program.
- 2.4. Director of Ministerial Standards and Safe Environment. The Director has the duties and responsibilities and that authority that is defined in the Job Description as presently maintained by the Archdiocese. Among other things:
  - a. the Director is responsible for continuing to develop, implement, and revise as necessary the policies and procedures for preventing, responding to, and ensuring the reporting of allegations of child abuse; and
  - b. the Director shall support and coordinate the activities of the Ministerial Review Board, the POMS Program, the Victim Advocacy Office, and the Office for the Protection of Children and Youth.

### 3. Policies and Procedures

- 3.1. The Archdiocese shall create 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 on its website.
  - a. The Policies shall be written and formatted so they are easy to read and understand.
  - b. The Policies shall define key terms.
    - i. The Policies shall define what behavior constitutes misconduct involving minors, including, without limitation, sexual exploitation of minors and sexual harassment of minors.
    - ii. The Policies shall define what constitutes child abuse. The definitions shall include at a minimum the definitions of sexual and physical abuse as defined in Minn. Stat. § 626.556.
    - iii. The Policies shall define what constitutes a “credible allegation” and “substantiated claim.”
  - c. Among any other instructional formats it may choose to employ, the Archdiocese shall also provide in written form examples of what constitutes misconduct involving a minor as part of training or training-related materials, including what is considered “appropriate” vs. “inappropriate” physical contact.
- 3.2. The Archdiocese shall include guidelines for the acceptable use of technology within its policies:
  - a. The policy will grant the Archdiocese the ability to inspect, review, audit, intercept, or access all matters on systems of the Archdiocese, including employee e-mail, voicemail, and computer systems at any time, with or without notice.
  - b. Guidelines shall include how to properly use social media and cellular phones, including text messaging.

- 3.3. The Policies shall continue to prohibit Archdiocese employees and Adult Volunteers from being alone (*i.e.*, out of sight of at least one other adult) with any unrelated minor while serving as an employee or volunteer of the Archdiocese or a Parish, subject to common sense exceptions, such as emergency situations, interactions with a minor that are incidental and not extended, parents transporting their children or other related individuals, and employees or volunteers transporting the children of friends and neighbors. This paragraph does not apply to employees and volunteers providing services in or for Schools or providing Catholic education.
- 3.4. The Policies shall continue to prohibit clergy from being alone with any unrelated minor except when a cleric is hearing confession in a confessional, and except for common sense exceptions such as emergency situations or circumstances where interaction is incidental and not extended.
- 3.5. The Policies shall continue to prohibit: (a) clergy from traveling alone with or taking overnight trips alone with any unrelated minor; and (b) clergy from sleeping in the same private space (*e.g.*, room, tent, bed, etc.) with any unrelated minor.

#### 4. Acknowledgement of Policies

- 4.1. Within thirty (30) days of 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 the Policies, understands the Policies, and will comply with the Policies.
- 4.2. 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 Archdiocese employees and Archdiocese Adult Volunteers certifying that he/she has received the Policies, understands the Policies, and will comply with the Policies.
- 4.3. The Policies shall include the Code of Conduct acknowledgement forms for clergy, employees, and Adult Volunteers. Those required to acknowledge the Code of Conduct must acknowledge receipt of the Code, their understanding of the Code, and their agreement to comply with the Code. The acknowledgement forms will refer to the reporting requirements under the Policies. The acknowledgement may be completed electronically.
- 4.4. 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 each seminarian certifying that he has received the Policies, understands the Policies, and will comply with the Policies. The Office of the Director shall request no less than annually that each Seminary will furnish the Director with records demonstrating compliance with this requirement. If the Seminary fails to provide such records as requested, the Director shall within a reasonable time notify the Archbishop and the Board of Trustees of the Seminary in writing.

- 4.5. The Archbishop shall request that within thirty (30) days of the commencement of any employment or volunteer service, 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 the Policies, understands the Policies, and will comply with the Policies. The Office of the Director shall request no less than annually that each Parish and School furnish the Director with records demonstrating compliance with this requirement. If a Parish or School fails to provide such records as requested, the Director shall within a reasonable time notify the Archbishop and the Board of Trustees of such Parish or School in writing.
- 4.6. The Office of the Director shall maintain the acknowledgement forms (or records) for each cleric. Such files may be kept electronically.
- 4.7. The Archbishop shall request that each Parish, School, and Seminary maintain the acknowledgement forms (or records) for each employee, Adult Volunteer, or seminarian, and that said forms (or records) be subject to review by the Director. Such files may be kept electronically.

## **5. Safe Environment: Essential 3 Requirements**

- 5.1. The Policies shall define who is required to complete the Essential 3 requirements.
  - a. The Essential 3 requirements are: (1) Acknowledgement of the Code of Conduct; (2) specialized child protection training (such as VIRTUS or its equivalent); and (3) a criminal background check.
  - b. In accordance with the Policies, those required to complete the Essential 3 requirements include, but are not limited to:
    - i. clergy (active or retired) who have been granted permission by the Archbishop to conduct continuing ministry within the Archdiocese Territory for more than thirty (30) days;
    - ii. employees and Adult Volunteers providing service to the Archdiocese or a School or Parish (including, but not limited to principals, assistant principals, teachers, school counselors, librarians, coaches, school nurses, staff of preschools, youth religious programs and youth activities, directors of youth religious education programs, or maintenance employees);
    - iii. seminarians who have commenced their study at a Seminary; and
    - iv. seminarians who are working for a School or Parish.
  - c. Parents who volunteer with their child's programs or activities, such that they have regular or unsupervised contact with unrelated minors, must fulfill Essential 3 requirements.
- 5.2. Where reasonably feasible, the Archdiocese shall provide Safe Environment training and materials to Parishes and Schools in the principal languages of those who attend such School or Parish.

- 5.3. The Archdiocese shall provide Parishes and Schools with a volunteer application form for Adult Volunteers. Unless prohibited by law, these forms shall include questions regarding: (1) whether the applicant has a criminal history; (2) whether the applicant has ever been the subject of a criminal investigation involving an allegation of sexual abuse; (3) whether a civil or criminal complaint has ever been filed against the applicant alleging physical abuse or sexual abuse by the applicant; (4) whether the applicant has ever failed to report sexual abuse as required by law or policy; (5) whether the applicant has ever had employment terminated or has otherwise been disciplined for reasons relating to allegations of inappropriate conduct with minors, child abuse, or sexual misconduct of any kind; and (6) the applicant's history of volunteering with minors within the previous five (5) years.
  - a. The Archdiocese shall request that Adult Volunteers do not begin volunteer services within a Parish or School until the volunteer application has been completed.
- 5.4. The Director shall have the authority to refer employees or Adult Volunteers of the Archdiocese to attend any additional Safe Environment program(s) or training(s).
- 5.5. The Director shall request that each Seminary, Parish, and School that utilizes the services of a third-party person or entity under circumstances where that third-party has regular or unsupervised contact with minors be made aware of the existence of the Policies and the option to attend Safe Environment training.
- 5.6. The Office of the Director of Safe Environment shall maintain an electronic registry of clergy compliance with the Essential 3 requirements.
  - a. The Office of the Director shall continue its development of an electronic database to monitor compliance with the Essential 3 requirements and shall maintain a registry of compliance in such electronic database.
  - b. The Office of the Director shall request an annual certification from each Parish 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 within a reasonable time notify the Archbishop and send a letter of notice to both the full Parish or School board of trustees and the Parish council.
  - c. For each Parish and School, the Office of the Director shall annually review clergy compliance with the Essential 3 and shall within a reasonable time send a letter of clergy non-compliance, if applicable, to the relevant board of trustees.
  - d. 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, affiliated clergy members, employees, and Adult Volunteers. If the Seminary fails to provide the requested certification, the Director shall within a reasonable time notify the Archbishop and send a letter of notice to the Seminary's full board of trustees.

### **Essential 3: Code of Conduct**

- 5.7. The Code of Conduct shall define key terms.
- 5.8. The Code of Conduct shall contain a provision prohibiting the viewing of pornographic materials on, or taking pornographic materials onto, the property of the Archdiocese, a Parish or a School.
- 5.9. The Code of Conduct shall contain a provision prohibiting the showing of pornographic material to minors and prohibiting the illegal provision of alcohol, tobacco, or drugs to minors.
- 5.10. The Code of Conduct shall contain a provision for pastoral counselors and spiritual directors that addresses and defines proper boundaries and improper conduct, including physical contact, with the persons they counsel.
  - a. The Code of Conduct shall contain a provision stating that clergy are responsible for establishing and maintaining clear, appropriate boundaries in counseling relationships.
- 5.11. The Code of Conduct shall contain provisions on how to report unethical or unprofessional conduct.
- 5.12. The Archdiocese shall develop and distribute appropriate training relating to the Code of Conduct for use at the start of employment or volunteer service, or within sixty (60) days of a material revision of the Code of Conduct.

### **Essential 3: Background Checks**

- 5.13. The Archdiocese shall develop an enhanced background check policy.
- 5.14. The policy shall state that all members of the clergy, employees, and Adult Volunteers within the Archdiocese Territory are subject to the background check policy as follows:
  - a. Clergy shall be subject to background checks upon their initial assignment within the Archdiocese Territory, and no less than every five (5) years thereafter.
  - b. A Cleric's service in excess of thirty (30) days may only continue after such cleric has successfully completed a criminal background check.
  - c. Clergy shall be required to report to the Director any arrest or citation involving conduct that violates the Archdiocese Policies 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.
  - d. If a prospective employee will have regular or unsupervised contact with minors, such employment may only start after an individual has successfully completed a criminal background check.
  - e. An Adult Volunteer may only start his/her service after having completed a criminal background check.

- 5.15. In recognition of developing technological advancements that can improve the accuracy of background checks, the Archdiocese will meet and confer with the RCAO to explore the feasibility of a background check results policy that requires fingerprinting as a component of the background check process.
- 5.16. The background check policy shall provide criteria for evaluating the results of a background check and provide guidance for determining what constitutes disqualifying offenses for employment and volunteer positions.
  - a. If the background check reveals a criminal history, the applicant may be given the opportunity to provide an explanation, submit additional information, or challenge its accuracy.
  - b. The following factors should be considered before deciding whether or not to offer or deny employment or acceptance as a volunteer: (1) the length of time since conviction; (2) the nature of the crime; (3) the relationship of the crime to the duties to be performed; (4) the number and kind of convictions; (5) rehabilitation efforts; and (6) history of other employment or volunteer activity.
- 5.17. The Archdiocese shall request that its third-party vendor that provides background checks to the Archdiocese, Parishes, and Schools inform the requesting entity of any prior background checks performed on the same individual.
- 5.18. The Archdiocese shall request that Parishes, Schools, and Seminaries follow the recommended Archdiocese background check policy. If the Parish, School, or Seminary refuses to follow the Archdiocese background check policy, the Director shall within a reasonable time notify the Archbishop and the board of trustees of the respective Parish, Seminary, or School in writing.
- 5.19. Background checks for clergy, Archdiocese employees, and Archdiocese Adult Volunteers shall be maintained by the Director.
- 5.20. The Archbishop shall request that each Seminary, Parish, and School maintain background check files for Seminarians, their respective employees and Adult Volunteers.

**Essential 3: VIRTUS Training**

- 5.21. The Archdiocese shall continue its policy that all those required to comply with the Essential 3 shall complete VIRTUS training within thirty (30) days of the start of service.
- 5.22. The Archdiocese shall continue to provide VIRTUS training (or its equivalent) no less than every three years to all clergy, all employees, and all Adult Volunteers.
- 5.23. The Archdiocese shall evaluate periodically the VIRTUS training materials (or its equivalent) to provide updated training to all clergy, employees, and Adult Volunteers.



## 6. Reporting Abuse

- 6.1. The Policies shall clearly state that a report to the Archdiocese does not relieve the individual from reporting known or suspected abuse as is required under Minnesota law.
  - a. The Policy shall contain a section dedicated to civil mandatory reporting requirements, including the following guidance: (1) who must report; (2) what must be reported; (3) to whom the report must be made.
  - b. The Archdiocese shall continue its policy that clerics, employees, and Adult Volunteers shall be trained on mandatory reporting obligations within thirty (30) days of their hire and shall receive refresher updates at least every three (3) years thereafter.
- 6.2. The Policies shall also require an employee or an Adult Volunteer serving within the Archdiocese Territory who has reason to suspect sexual abuse of a minor that would be subject to mandatory reporting under Minn. Stat. § 626.556 shall immediately notify civil authorities as defined therein (within 24 hours).
- 6.3. The Policies shall clearly define the proper reporting channels for reports made under §§ 6.1 and 6.2. The policies shall state:
  - a. the first report of suspected abuse of a minor shall be to civil authorities as defined in Minn. Stat. § 626.556;
  - b. any person, other than the victim, who makes a report to civil authorities 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;
    - i. The Director shall notify or confirm that law enforcement has been notified as required by law and the Policies. The Director shall complete written documentation relating to the report.
  - 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 relating written reports from the Seminary, Parish, or School.
- 6.4. 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 conduct an internal investigation, and will not interfere in any way with law enforcement until law enforcement concludes its investigation, closes its file without investigation, or authorizes the Archdiocese to take action.

- 6.5. The Policies shall include the rights of the person who makes an allegation. This policy shall ensure that the person making the allegation is provided with: (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) advice 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.
- 6.6. The Archdiocese shall provide Parishes and Schools materials for making a complaint, including print materials in the principal language in which the liturgy is celebrated.
- 6.7. The Archdiocese shall establish a policy that prohibits retaliation against any cleric, employee, Adult Volunteer, parishioner, or other individual who in good faith reports sexual abuse of a minor or suspicions of sexual misconduct.
- 6.8. The Archdiocese shall publish in the Catholic Spirit no less than four (4) times per year for the term of this Agreement a statement urging those subject to sexual abuse of a minor to contact law enforcement to make a report of the abuse.
- 6.9. The Archdiocese shall continue to provide information in writing to Seminaries, Parishes, and Schools regarding the prevention of abuse, training to identify signs of abuse, statements that the abused are not at fault and encouraging the reporting of abuse.
- 6.10. 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 Board.

## **7. Clergy and other Employees**

- 7.1. The Archdiocese shall use reasonable efforts not to include among personnel of the Archdiocese having substantial authority any individual whom the organization knew, or should have known through the exercise of due diligence, has engaged in sexual misconduct with minors.
- 7.2. 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.
- 7.3. The Archdiocese shall not assign a cleric for 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.
  - a. 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 fitness for ministry.

- 7.4. If a cleric seeks assignment, transfer, or residence outside of the Archdiocese Territory, the Archdiocese shall seek permission from the cleric to make available for review by the receiving diocese, religious community, or organization a complete copy of his clergy file and any other Archdiocese files materially related to the cleric. If the cleric permits review, the Archdiocese shall provide such receiving entity access to the complete clergy file and any other Archdiocese files materially related to the cleric. If the cleric refuses review or limits review of the complete file or any other Archdiocese files materially related to the cleric, the Archdiocese shall notify the receiving entity that the cleric refused access or is limiting access.
  - a. The Archdiocese shall disclose any 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 and state law. The Archdiocese shall also disclose the status or resolution of that allegation as reflected in its records to the extent allowed by federal and state law.
- 7.5. The Archdiocese shall not recommend, and shall have a policy that prohibits a cleric or Archdiocese employee from recommending, an employee for a position that provides access to minors if the employee has a substantiated claim or pending credible allegation of sexual abuse of a minor against him or her.
- 7.6. The Archdiocese shall continue to work with the Seminaries to prevent clergy sexual abuse of minors.
  - a. The Archdiocese shall provide Safe Environment resources and training no less than annually to seminarians at the St. Paul Seminary.
  - b. The Office of the Director of Safe Environment shall be a resource for each Seminary regarding selection, evaluation, and formation of seminary candidates.
- 7.7. The Archbishop shall request that each Parish, School, and Seminary designate a Safe Environment Coordinator to oversee the Parish, School, or Seminary program for screening, selecting, and supervising those working in the Parish, School, or Seminary who will have regular or unsupervised contact with minors. The Office of the Director of Safe Environment shall provide training to such coordinators upon their assumption of those responsibilities and then no less than every three years thereafter.
  - a. The Director shall request confirmation that a Safe Environment Coordinator has been designated in each Parish, School, and Seminary.

- b. If a Parish, School, or Seminary fails to confirm the designation of a Safe Environment Coordinator, the Director shall within a reasonable time notify the Archbishop and the board of trustees of the particular Parish, School, or Seminary in writing that a local Safe Environment Coordinator has not been designated.

## 8. Website

- 8.1. After bankruptcy plan confirmation, or dismissal from the Bankruptcy Proceedings, or by December 31, 2016, whichever comes first, the Archdiocese shall consult with web developers to improve the Safe Environment resources on its website.
- 8.2. The Safe Environment website shall prominently display how to report an incident of sexual abuse.
- 8.3. To the extent reasonably feasible, the Archdiocese web page shall provide contact information or links to law enforcement agencies within the Archdiocese Territory.
- 8.4. The Archdiocese Sexual Abuse Policy shall be easily accessible through a link on the Safe Environment website.
- 8.5. The Safe Environment website shall contain all Policies. The Policies shall be easily accessible.
- 8.6. The Archdiocese Safe Environment website shall be periodically updated as needed to remain current.

## 9. Communications

- 9.1. The Archdiocese shall provide assistance to Pastors and principals so that they may appropriately respond to media inquiries and provide media response designed to reassure the community that abuse allegations are taken seriously and that the Archdiocese cooperates fully with civil authorities.
- 9.2. The Archdiocese shall make public disclosures of any future credible allegations of clergy sexual abuse of a minor that occurred in the Archdiocese Territory involving a cleric who is still living. The Archdiocese will encourage all potential victims to come forward.
- 9.3. The Policies shall require that all Archdiocese employees use their Archdiocese-issued e-mail account when sending any communication related to their job functions.
- 9.4. The Archdiocese shall continue to make public disclosures of substantiated claims of sexual abuse of minors by clerics and pending credible allegations of sexual abuse of minors by clerics that are under investigation. 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. The Archdiocese will also share this information with the public by issuing and posting a press release on its website.

- 9.5. With regard to a substantiated claim of sexual abuse of a minor by a cleric, at the conclusion of the canonical process for determination of clerical status, documents pertaining to the accusation of sexual abuse of a minor and the Archdiocese's response to the claim shall be made accessible to the public.

#### **10. Ministerial Review Board**

- 10.1. The Director shall consider recommendations by the RCAO in the appointment of members to the Ministerial Review Board.
- 10.2. The Ministerial Review Board shall abide by written policies governing its conduct.
- a. The policies shall define what types of issues are to be reviewed by the Ministerial Review Board.
  - b. The policies shall include guidelines the Ministerial Review Board will follow when making recommendations in each case. These policies shall be made available to the public.
  - c. The policies shall provide that the Director will advise the members of the Ministerial Review Board of the final action by the Archdiocese in each case after the board's review and recommendation.
- 10.3. Minutes shall be taken at each Ministerial Review Board Meeting. Minutes shall be retained and filed by the Director and shall include: (1) date and times of meetings; (2) identification of all attendees; (3) a listing of agenda items; (4) a brief summary of any advisory assessments on clergy; and (5) a brief summary of consultation by the board on any other matter.
- 10.4. The Ministerial Review Board shall provide its expertise and assist as requested with developing policies and appropriate mechanisms to further ensure the protection of minors.
- 10.5. In addition to ¶ 10.1, the Director shall consult with members of the Ministerial Review Board and the Victim Assistance Coordinator to identify candidates for a vacancy on the Ministerial Review Board. The Director shall recommend candidates to the Archbishop, who shall appoint board members in consultation with the Director.
- 10.6. The names and credentials of the Ministerial Review Board members shall be provided to the RCAO.

#### **11. POMS Program**

- 11.1. In accordance with the zero-tolerance policy set forth in the Charter for the Protection of Children and Young People established by the United States Conference of Catholic Bishops, the Archdiocese shall not use the POMS Program to mitigate risk to minors, but instead shall rely on an assessment of fitness for ministry involving the Director, the Ministerial Review Board, and the Archbishop.

- a. In all cases regarding an assessment of fitness for ministry, the Ministerial Review Board may seek additional information or may recommend limits on ministry service as necessary to promote a safe environment for minors.
- 11.2. If the Archdiocese has determined that the POMS Program is or remains appropriate for a clergy member with allegations of sexual misconduct involving minor(s), the Archdiocese shall notify the RCAO of that determination, providing the name and address of the cleric in question and providing such further information and other cooperation as the RCAO may reasonably request.
- 11.3. Before a recommendation is made to discharge a cleric from the POMS Program, the Ministerial Review Board shall undertake a full review of the cleric's file.
  - a. The Ministerial Review Board shall document its recommendation regarding discharge from the POMS Program, and that recommendation shall be placed in the cleric's file.
  - b. If the cleric was the subject of a substantiated claim of sexual abuse of a minor, the Director shall advise the RCAO if such cleric is discharged from the POMS Program.

## 12. Record Keeping

- 12.1. By December 31, 2016, the Archdiocese shall formulate policies for the acceptable use of Archdiocese computers and electronic devices, the screening of electronic devices, and the retention of documents and electronically stored information. The policies shall address the following:
  - a. The Archdiocese shall maintain a record of electronic devices (computers, laptops, tablets, etc.) that are Archdiocese property in the possession of clergy, employees, or Adult Volunteers.
  - b. When the Archdiocese has reasonable cause to believe that a cleric, an Archdiocese employee or volunteer has violated policies relating to electronic devices or their usage in a manner that involves sexual misconduct with a minor, the Archdiocese shall secure the electronic device for evidentiary value.
  - c. If the Archdiocese learns of the existence of a computer or other electronic communications device that may have relevance to, or possible evidentiary value in, a law enforcement investigation of clergy sexual abuse of a minor, the Director shall promptly notify the appropriate law enforcement agency having jurisdiction.
  - d. The Archdiocese shall develop a written policy regarding the handling of evidence, including computers or electronic devices that relates to any internal Archdiocese Safe Environment investigation.
- 12.2. The Office of the Director shall maintain records relating to clergy and the Safe Environment Program.
- 12.3. The Office of the Director shall maintain records of the training sessions and educational requirements required under the Policies.

- 12.4. The Archdiocese shall maintain files for all clergy.
- 12.5. The Archdiocese shall have a policy to not destroy clergy files.
- 12.6. Files may be maintained electronically.
- 12.7. Clergy files shall contain the following records:
  - a. signed documents as required under the Policies;
  - b. copies of all returned background checks;
  - c. internal memoranda or documentation regarding clergy misconduct;
  - d. records of any allegation of sexual abuse of a minor;
  - e. records of any mandatory report made to law enforcement about the cleric;
  - f. records of any internal investigation;
  - g. records relating to review by the Ministerial Review Board; and
  - h. information pertaining to the POMS Program, if applicable.

### 13. Other

- 13.1. 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.
- 13.2. In instances where a claim of sexual abuse of a minor is substantiated, if requested, Archdiocese leadership shall meet with the victim/survivor or his or her support person(s) as may be reasonably arranged, with due respect for the needs of the victim/survivor.
- 13.3. In instances where a claim of sexual abuse of a minor is substantiated, if requested by the victim/survivor, the Archbishop shall, on behalf of the Archdiocese, send a personally signed letter of apology to the victim/survivor in the context of a Minnesota Rule of Civil Procedure 408 settlement communication.
- 13.4. The Archdiocese shall continue to maintain an independent mechanism where concerns regarding misconduct or suspected misconduct can be reported. The mechanism should provide for 24/7 access and allow reports to be made by phone or through a confidential web-based reporting mechanism.
- 13.5. The Archdiocese shall explore the need for and feasibility of a "Clergy Assistance Plan" that provides clerics with an ability to seek help in times of need or personal crisis, including from an outside provider and in a manner that provides anonymity if desired.
- 13.6. 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.

- 13.7. 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.
- 13.8. The Archdiocese agrees to have in place at a point no later than expiration of this Agreement an ombudsperson to provide an outside resource for victims of sexual abuse.
- 13.9. The Archdiocese shall have a policy to provide law enforcement in the appropriate jurisdiction with the known residential address of each cleric having a substantiated claim or pending credible allegation of sexual abuse of a minor.
- 13.10. Within one hundred twenty (120) days of the effective date of this Agreement, the Archdiocese shall develop a model policy for use by Parishes requiring notification to the board of trustees of a Parish where clergy are permitting long-term residents in rectories. The Archbishop shall request that the Parish board of trustees adopt the model policy.
- 13.11. The Director shall have an adequate budget so that the Director unilaterally or the Ministerial Review Board as a body may retain outside legal counsel solely regarding the matters of ministerial standards and safe environment. Under this exclusive defined authority, the Director and the Ministerial Review Board shall not be required to confer with or rely only upon internal legal services of the Archdiocese. To the extent legal fees will exceed the Director's budget, financial expenditures are subject to approval by the Board and the Archdiocese Finance Council (and the Bankruptcy Court during the pendency of the Bankruptcy Proceedings) if necessary.
- 13.12. In the event the position of Director becomes vacant, the Archbishop will consult with the Ministerial Review Board and the Board regarding candidates to fill the position of Director.
  - a. If practicable, the current Director shall provide notice to the Ministerial Review Board and the Archbishop of his or her intent to separate from employment as early as practicable to permit a comprehensive, effective search for his or her replacement.

#### 14. Compliance

- 14.1. The Archdiocese shall institute a reasonable timeline for compliance with the Policies and shall define the corrective and disciplinary measures to be used where clergy, seminarians, employees, or volunteers of the Archdiocese fail to adhere to policy requirements.
  - a. Clergy members who are non-compliant with the requirements of the Essential 3 as set forth above shall, at a minimum, be removed from service involving



regular or unsupervised contact with minors until they have completed all requirements.

- b. The Archdiocese shall request that Parishes, Seminaries, and Schools remove Parish/Seminary/School employees and Adult Volunteers who are non-compliant with the requirements of the Essential 3 from service involving regular or unsupervised contact with minors until they have completed all requirements.
  - i. Upon learning of non-compliance, the Director shall promptly notify the Archbishop and the Parish, Seminary or School board of trustees if an employee or Adult Volunteer has not been removed from his or her job or position.

14.2. Outside Audit. The Archdiocese shall on an annual basis for the term of this Agreement retain an independent firm with demonstrated competencies to conduct an annual compliance audit of the Safe Environment Program and this Agreement. The Archdiocese shall select the audit firm subject to the approval of the RCAO, which shall not unreasonably withhold approval. During pendency of the Bankruptcy Proceedings, the retention of the audit firm will be subject to Bankruptcy Court approval.

- a. A written retention agreement with the audit firm shall explicitly state that the audit report will be provided to the RCAO. The Archdiocese shall consent to the RCAO having unrestricted access to the auditing personnel, both during and for a reasonable period after each audit, as well as access to work papers and underlying supporting documents the RCAO may request to review.
- b. The first annual outside audit will cover the period from the last date of execution of this Agreement through June 30, 2017. Fiscal-year auditing shall occur thereafter. This Agreement contemplates two (2) fiscal year outside compliance audits.
- c. The results of each audit shall be provided to the Archbishop, other members of the Board, the Director, members of the Archdiocese Finance Council, the Chairman of the Presbyteral Council, members of the Ministerial Review Board, Chancellor for Civil Affairs, Chancellor for Canonical Affairs, the RCAO, and any other persons who in the Director's judgment should receive the report.
- d. Within sixty (60) days of the completion of each required annual audit, the Director shall cause the audit report to be made available on the Archdiocese Safe Environment website and, concurrently, arrange to have a fair executive summary of the report published in the Catholic Spirit publication (with information on how the readership may access or obtain the entire report). The Archdiocese shall issue a public statement each year at the time the audit report is available for review and may otherwise distribute the report in any other manner.

- e. Beyond demonstrating compliance with this Agreement, the annual audit report is to be considered by the Parties as a means to further evaluate and continuously improve the Safe Environment Program within the Archdiocese.
- 14.3. **Internal Audit.** The Archdiocese shall conduct periodic internal reviews to evaluate its Safe Environment Program.
- a. After confirmation of a plan of reorganization or dismissal from the Bankruptcy Proceedings, the Director shall engage an external consultant to assess its effectiveness.
- 14.4. The Director shall request to conduct periodic audits of Parishes, Seminaries, and Schools. A request to audit shall be made of each Parish, Seminary, or School at least once every seven (7) years. During each year of the term of this Agreement, the Director shall request to 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 within a reasonable time the Archbishop and the applicable board of trustees in writing.
- 14.5. 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 other leader, in the case of Seminary or School, and request that the results of that review be provided to the Director.
- H. Victims Fund.** The Archdiocese shall seek as part of its bankruptcy plan to establish a fund for the ongoing and future counseling for victims of clergy sexual abuse that occurred at any time within the Archdiocese Territory, including Victim 1, Victim 2, and Victim 3, such that they might have access to ongoing reasonable and appropriate counseling. In this regard, the Parties specifically contemplate and agree that Victim 1, Victim 2, Victim 3 (as referred to in the Petition for Order to Show Cause) and their immediate family, to the extent they have a cognizable claim, will benefit from any fund established as part of the bankruptcy process.
- I. Bankruptcy Proceedings.** The Archdiocese is subject to certain limits and restrictions as a debtor-in-possession in the Bankruptcy Proceedings. As part of this Agreement, the Archdiocese shall move for Bankruptcy Court approval of this Agreement at the earliest practicable time, but no later than January 31, 2016. This Agreement shall not be effective until such time as it is approved by the United States Bankruptcy Court. To the extent the Archdiocese is required to expend funds outside the ordinary course of business as a result of this Agreement, the Archdiocese shall seek approval for such expenditures from the bankruptcy court.
- J. Obligations Survive Bankruptcy.** The parties specifically agree that the terms and conditions specified herein shall be described in the Archdiocese's Chapter 11 disclosure statement and be fully incorporated into its Chapter 11 plan, and if approved in the Bankruptcy Proceedings shall survive on and after the date the Archdiocese is discharged from the Bankruptcy Proceedings.

K. **Non-solicitation.** Nothing in this Agreement shall be construed as a solicitation of a plan of reorganization in violation of the Bankruptcy Code.

L. **Breach of this Agreement; Opportunity to Cure; Attorney's Fees.** If the RCAO determines in its reasonable judgment at any time during the term of this Agreement that the Archdiocese is in material breach of this Agreement, the RCAO will serve (as "serve" is defined under the Minnesota Rules of Civil Procedure) a Notice of Breach upon the Archdiocese, with copies mailed to the Archbishop, Secretary of the Board, and Director. The Archdiocese shall then have a period of twenty-eight (28) calendar days after service in which to cure.

If after the twenty-eight (28) calendar days the RCAO continues to have cause to believe the Archdiocese has materially breached this Agreement, the RCAO may initiate legal proceedings in the Court to enforce this Agreement by any legal or equitable means it deems available, including, without limitation, contempt of court, specific performance, or breach of contract.

If the Court determines the Archdiocese breached this Agreement, it shall enter an appropriate order against the Archdiocese and, as part of that order, may award the RCAO the value of its reasonable attorney's fees incurred in litigating the breach.

In the event the RCAO is required to enforce this Agreement, its exercise of remedies for breach of this Agreement is agreed by the Parties to be an exercise of its police and regulatory powers.

M. **Term of Agreement.** This Agreement begins upon its approval by the United States Bankruptcy Court and runs for thirty-six (36) months following such approval. The Parties agree, however, that the protection of minors from sexual abuse is a core need, expectation and operational function of the Archdiocese such that, irrespective of the Bankruptcy Proceedings but subject to the specific exceptions noted herein, each will begin work to achieve the terms and conditions of this Agreement with deliberate speed using their respective best efforts upon execution of this Agreement. Except as otherwise provided herein, the Archdiocese further agrees that to the extent it has/had not already done so, it will come into substantial compliance with the Safe Environment Compliance Standards defined herein within twelve (12) months of the last date of execution below.

N. **Changes to Agreement.** This agreement may be amended by the Parties in writing. In the event either the Archdiocese or the RCAO desire to change any term, condition or requirement of this Agreement, the Parties agree to meet and confer in good faith over the changes one or the other may propose.

O. **Invalidity.** If any one or more of the terms, conditions or requirements of this Agreement are deemed unenforceable or invalid by the Court, the enforceability, validity and legality of the remaining provisions shall not in any way be affected or impaired thereby.

P. **Dismissal of Civil Action.** Upon expiration of this Agreement, the RCAO agrees to move to dismiss the Civil Action with prejudice.

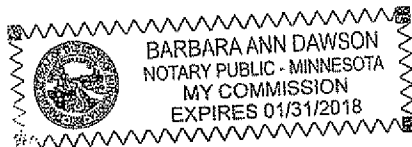
- Q. **Governing Law; Venue.** This Agreement shall be governed by, construed and interpreted consistent with Minnesota law. Any litigation between the Parties relating to this Agreement shall be before the Court.
- R. **No use.** This Agreement is to be considered independent in all respects from any other matter, and shall not be admissible into evidence in any proceeding except the above-referenced juvenile case and Bankruptcy Proceedings for purposes of its approval.
- S. **Counterparts.** This Agreement may be signed in counterparts, any of which shall be deemed an original but all of which shall constitute the same Agreement.
- T. **Statement of Authority.** The Board of Directors of the Archdiocese has approved this Agreement as reflected in the attached Board Resolution, which therein authorizes the Archbishop as President of the Board of the Archdiocese or the Apostolic Administrator, as well as the Secretary of the Corporation to enter into and execute this Agreement for and on behalf of the Archdiocese. The Archdiocese further represents that this Agreement has been entered into after appropriate consultation with the Archdiocese Finance Council and the Archdiocese College of the Consultors.

IN WITNESS WHEREOF, the Archdiocese and the RCAO execute this Agreement on and as of the date(s) indicated below:

Dated: 12/17/2015

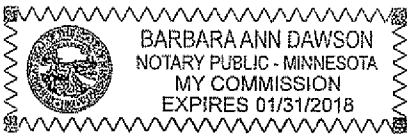
THE ARCHDIOCESE OF ST. PAUL AND MINNEAPOLIS, a Minnesota corporation

By: Severald N. Heble  
Its PRESIDENT



Subscribed and sworn to before me this 17th day of December, 2015.

Barbara Ann Dawson  
Notary Public



Subscribed and sworn to before me this 17th day of December, 2015.

Barbara Ann Dawson  
Notary Public

By: [Signature]  
Its Secretary

Registered Office:  
226 Summit Avenue  
St. Paul, Minnesota 55102

APPROVED:

FREDRIKSON AND BYRON, P.A.


Dated: 12/17/15

By: [Signature]  
Joseph T. Dixon (#0283903)  
Andrew F. Johnson (#0390783)  
200 South Sixth Street, Suite 4000  
Minneapolis, MN 55402  
612-492-7000  
Facsimile: 612-492-7077  
-jdixon@fredlaw.com  
ajohnson@fredlaw.com

Dated: 12.17.15

JOHN J. CHOI  
RAMSEY COUNTY ATTORNEY

By: \_\_\_\_\_

  
John J. Choi (#257175)

Ramsey County Attorney

John T. Kelly (#214098)

First Assistant County Attorney

Thomas E. Ring (#25082X)

Assistant County Attorney

Stephanie L. Wiersma (#395741)

Assistant County Attorney

Office of the Ramsey County Attorney

345 Wabasha Street North, Suite 120

St. Paul, MN 55102

651-266-3222

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE ARCHDIOCESE OF  
SAINT PAUL AND MINNEAPOLIS**

The Board of Directors of the Archdiocese of Saint Paul and Minneapolis, by majority vote, adopted the following resolution on the 16<sup>th</sup> day of December, 2015 at a special meeting of the Board of Directors of the Archdiocese of Saint Paul and Minneapolis that (a) was properly organized by Archbishop Bernard A. Hebda, Apostolic Administrator of the Archdiocese, pursuant to Article 6 of the bylaws, and (b) where a quorum was present.

WHEREAS, on or about June 5, 2015 the Ramsey County Attorney's office (RCAO) commenced a Civil Action against the Archdiocese focused on protecting children; and

WHEREAS, the Archdiocese has taken and is taking steps to substantially enhance its Safe Environment Program; and

WHEREAS, the Archdiocese and RCAO desire to resolve all matters with respect to said Civil Action by entering into the attached Agreement which is incorporated herein by reference and made a part hereof.

NOW THEREFORE BE IT RESOLVED THAT the Board of Directors, having reviewed discussed and considered a proposed Settlement Agreement dated December 11, 2015 does hereby

1. Authorize Archbishop Hebda and his designees to complete any final negotiations of the Settlement Agreement, and
2. Authorize and direct the President and the Secretary of this Corporation to execute a final Settlement Agreement, and
3. Direct the Archbishop and the Archdiocese bankruptcy counsel to seek approval of the Settlement Agreement by the United States Bankruptcy Court.

**CERTIFICATION OF CORPORATE SECRETARY**

The undersigned Corporate Secretary of the Archdiocese of Saint Paul and Minneapolis does hereby certify that the above Resolution was duly adopted and approved by the Board of Directors of the Archdiocese on 16<sup>th</sup> day of December, 2015.

  
\_\_\_\_\_  
Mr. Joseph F. Kueppers

Corporate Secretary of the Archdiocese of Saint Paul and Minneapolis

Exhibit IV - Amendment to Settlement Agreement

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT  
JUVENILE COURT DIVISION

-----  
In the Matter of the Welfare of:

MNCIS Group:  
Court File No.: 62-JV-15-1674  
CA File No.: 2138749

VICTIM-1, a child identified in police reports;

VICTIM-2, a child identified in police reports; and

VICTIM-3, a child identified in police reports.

**AMENDMENT TO  
SETTLEMENT AGREEMENT**

Respondent:

The Archdiocese of Saint Paul and Minneapolis,  
a Minnesota corporation,  
226 Summit Avenue  
St. Paul, MN 55102  
651-291-4400

-----  
The Archdiocese of St. Paul and Minneapolis, a Minnesota corporation (“Archdiocese”), and the Ramsey County Attorney (“RCAO”) hereby modify and amend that certain Settlement Agreement between them dated December 17, 2015 (“Agreement”), pursuant to Paragraph N therein, as follows:

1. The RECITALS are deleted and the following inserted in their place:

**RECITALS**

WHEREAS, the Parties agree that the Archdiocese shall seek to create and foster an organizational culture in which everyone becomes and remains vigilant about achieving an overall aspirational goal that no child ever again be the victim of clergy sexual abuse; and

WHEREAS, the RCAO initiated the Civil Action on June 3, 2015 petitioning the Court for an order that the Archdiocese show cause why it should not be subject to the jurisdiction of the Court for contributing to a child’s need for protection or services; and



WHEREAS, the Court found probable cause to support issuance of the order requested by the RCAO; and

WHEREAS, the Archdiocese has taken and is taking steps to substantially enhance its Safe Environment Program; and

WHEREAS, the Archdiocese initiated Bankruptcy Proceedings before the Civil Action was brought, and now seeks to pursue resolution of the Civil Action in a prudent manner consistent with the protection of assets available for creditors; and

WHEREAS, the RCAO seeks to protect the community and hold individuals and organizations accountable for injurious conduct as required by law and the interests of justice; and

WHEREAS, the Archdiocese admits wrongdoing as set forth herein; and

WHEREAS, the Parties agree that this Agreement will advance their mutual interests in the protection of minors beyond what may otherwise be obtained through further litigation.

NOW, THEREFORE, the Parties, in consideration of the promises and mutual undertakings contained in this Agreement, here promise their respective best efforts to achieve with deliberate speed the following terms and conditions of settlement:

2. Paragraph B is deleted and the following inserted in its place:

**B. Basis for Civil Action.** The factual basis for the Civil Action as alleged by the RCAO is contained in the Petition for Order to Show Cause, a copy of which is attached to the Agreement.

3. Paragraph C is deleted and the following inserted in its place:

**C. Admission of Wrongdoing and Statement of the Archdiocese.** The Archdiocese agrees as follows:

Curtis Wehmeyer was a priest in this Archdiocese. The Archdiocese admits that it failed to adequately respond and prevent the sexual abuse of Victim 1, Victim 2, and Victim 3. The Archdiocese failed to keep the safety and wellbeing of these three children ahead of protecting the interests of Curtis Wehmeyer and the Archdiocese. The actions and omissions of the Archdiocese failed to prevent the abuse that resulted in

the need for protection and services for these three children.

The Archdiocese shall issue a public statement relating to execution of this Amendment to Settlement Agreement, both in writing and through public statements of its representatives. The RCAO agrees that such statements would not be admissible as evidence.

4. Paragraph F is amended to add the following second paragraph:

Further, the Archdiocese through Archbishop Hebda agrees to participate in at least three (3) restorative justice sessions to be determined by the RCAO.

5. Paragraph 10.1 is deleted and the following inserted in its place:

10.1 The RCAO will recommend one individual for appointment to the Ministerial Review Board and the Director shall not unreasonably reject that recommendation. The Director shall thereafter consider recommendations that may be made by the RCAO in the appointment of members to the Ministerial Review Board.

6. Paragraph 13.6 is deleted and the following inserted in its place:

13.6 Confidentiality Agreements. 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.

With respect to any settlement agreement preceding the effective date of this Amendment to Settlement Agreement, the Archdiocese releases any victim of alleged sexual abuse from any confidentiality obligation that may exist in any settlement agreement entered into with the Archdiocese. The Archdiocese shall make a public statement within thirty (30) days of the effective date of this Amendment to Settlement Agreement that it has released any alleged victim of sexual abuse from any confidentiality obligation attributable to any earlier settlement agreement with the Archdiocese.

7. Paragraphs 13.11 and 13.12 are deleted and the following inserted in their place:

13.11 Position of Director. The Archdiocese shall maintain the position, authority and responsibilities of the Director until at least February 1, 2020. It thereafter pledges its intent and commitment to maintain the same or a substantially similar position going forward thereafter.

- a. The Director shall have an adequate budget so that the Director unilaterally or the Ministerial Review Board as a body may retain outside

legal counsel solely regarding the matters of ministerial standards and safe environment. Under this exclusive defined authority, the Director and the Ministerial Review Board shall not be required to confer with or rely only upon internal legal services of the Archdiocese. To the extent legal fees will exceed the Director's budget, financial expenditures are subject to approval by the Board and the Archdiocese Finance Council (and the Bankruptcy Court during the pendency of the Bankruptcy Proceedings) if necessary.

- b. In the event the position of Director becomes vacant prior to February 1, 2020, the Archbishop will consult with the Board, the Ministerial Review Board, and the RCAO regarding a successor to fill the position of Director.
  1. If practicable, the current Director shall provide notice to the Ministerial Review Board and the Archbishop of his intent to separate from employment as early as practicable to permit a comprehensive, effective search for his replacement.
8. Paragraph 14.2(b) is deleted and the following inserted in its place:
  - b. The first annual outside audit will cover the period from the last date of execution of the Agreement through June 30, 2017. Fiscal-year auditing shall occur thereafter. The Agreement as amended contemplates three (3) fiscal year outside compliance audits.
9. Paragraph H (Victims Fund) is amended to add the following second paragraph:

The Archdiocese represents that it has included the establishment of a Victims Fund as part of its Plan for Reorganization filed May 26, 2016 in the Bankruptcy Proceedings. Should such a fund not exist at discharge from the Bankruptcy Proceedings, the Archdiocese agrees to meet and confer with the RCAO regarding the provision of ongoing and future counseling or treatment, as such counseling or treatment may then be appropriate, for any of Victim 1, Victim 2, Victim 3 or a member of their immediate family.
10. The first sentence of Paragraph M (Term of Agreement) is deleted and the following inserted in its place:

This Agreement was approved by the United States Bankruptcy Court on January 28, 2016 and runs until February 1, 2020.
11. This Amendment is effective upon execution.

IN WITNESS WHEREOF, the Archdiocese and the RCAO execute this Amendment to Settlement Agreement on and as of the date(s) indicated below:

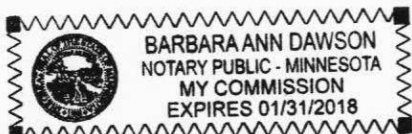
Dated: July 19, 2016

THE ARCHDIOCESE OF ST. PAUL AND MINNEAPOLIS, a Minnesota corporation

By: Bernard A. Hebda  
Bernard A. Hebda  
Its President

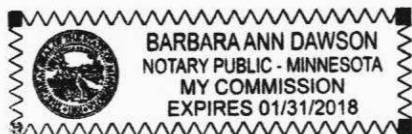
Subscribed and sworn to before me this 19th day of July, 2016.

Barbara Ann Dawson  
Notary Public



Subscribed and sworn to before me this 19th day of July, 2016.

Barbara Ann Dawson  
Notary Public



APPROVED AS TO FORM:

Dated: July 19, 2016

By: Joseph F. Kueppers  
Joseph F. Kueppers  
Its Secretary

Registered Office:  
226 Summit Avenue  
St. Paul, Minnesota 55102

FREDRIKSON AND BYRON, P.A.

By: [Signature]  
Joseph T. Dixon (#0283903)  
Andrew F. Johnson (#0390783)  
200 South Sixth Street, Suite 4000  
Minneapolis, MN 55402  
612-492-7000  
Facsimile: 612-492-7077  
jdixon@fredlaw.com  
ajohnson@fredlaw.com

*[Faint handwritten text, possibly a signature]*

*[Faint handwritten text]*




*[Faint handwritten signature]*

*[Faint handwritten text]*

Dated: 7-19-16

JOHN J. CHOI  
RAMSEY COUNTY ATTORNEY

By:  \_\_\_\_\_

John J. Choi (#257175)  
Ramsey County Attorney  
John T. Kelly (#214098)  
First Assistant County Attorney  
Thomas E. Ring (#25082X)  
Assistant County Attorney  
Stephanie L. Wiersma (#395741)  
Assistant County Attorney

Office of the Ramsey County Attorney  
345 Wabasha Street North, Suite 120  
St. Paul, MN 55102  
651-266-3222

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT  
JUVENILE COURT DIVISION

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In the Matter of the Welfare of:

MNCIS Group:  
Court File No.: 62-JV-15-1674  
CA File No.: 2138749

VICTIM-1, a child identified in police reports;

VICTIM-2, a child identified in police reports; and

VICTIM-3, a child identified in police reports.

**AMENDMENT TO  
SETTLEMENT AGREEMENT**

Respondent:

The Archdiocese of Saint Paul and Minneapolis,  
a Minnesota corporation,  
226 Summit Avenue  
St. Paul, MN 55102  
651-291-4400

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The Archdiocese of St. Paul and Minneapolis, a Minnesota corporation (“Archdiocese”), and the Ramsey County Attorney (“RCAO”) hereby modify and amend that certain Settlement Agreement between them dated December 17, 2015 (“Agreement”), pursuant to Paragraph N therein, as follows:

1. The RECITALS are deleted and the following inserted in their place:

**RECITALS**

WHEREAS, the Parties agree that the Archdiocese shall seek to create and foster an organizational culture in which everyone becomes and remains vigilant about achieving an overall aspirational goal that no child ever again be the victim of clergy sexual abuse; and

WHEREAS, the RCAO initiated the Civil Action on June 3, 2015 petitioning the Court for an order that the Archdiocese show cause why it should not be subject to the jurisdiction of the Court for contributing to a child’s need for protection or services; and

WHEREAS, the Court found probable cause to support issuance of the order requested by the RCAO; and

WHEREAS, the Archdiocese has taken and is taking steps to substantially enhance its Safe Environment Program; and

WHEREAS, the Archdiocese initiated Bankruptcy Proceedings before the Civil Action was brought, and now seeks to pursue resolution of the Civil Action in a prudent manner consistent with the protection of assets available for creditors; and

WHEREAS, the RCAO seeks to protect the community and hold individuals and organizations accountable for injurious conduct as required by law and the interests of justice; and

WHEREAS, the Archdiocese admits wrongdoing as set forth herein; and

WHEREAS, the Parties agree that this Agreement will advance their mutual interests in the protection of minors beyond what may otherwise be obtained through further litigation.

NOW, THEREFORE, the Parties, in consideration of the promises and mutual undertakings contained in this Agreement, here promise their respective best efforts to achieve with deliberate speed the following terms and conditions of settlement:

2. Paragraph B is deleted and the following inserted in its place:

**B. Basis for Civil Action.** The factual basis for the Civil Action as alleged by the RCAO is contained in the Petition for Order to Show Cause, a copy of which is attached to the Agreement.

3. Paragraph C is deleted and the following inserted in its place:

**C. Admission of Wrongdoing and Statement of the Archdiocese.** The Archdiocese agrees as follows:

Curtis Wehmeyer was a priest in this Archdiocese. The Archdiocese admits that it failed to adequately respond and prevent the sexual abuse of Victim 1, Victim 2, and Victim 3. The Archdiocese failed to keep the safety and wellbeing of these three children ahead of protecting the interests of Curtis Wehmeyer and the Archdiocese. The actions and omissions of the Archdiocese failed to prevent the abuse that resulted in



the need for protection and services for these three children.

The Archdiocese shall issue a public statement relating to execution of this Amendment to Settlement Agreement, both in writing and through public statements of its representatives. The RCAO agrees that such statements would not be admissible as evidence.

4. Paragraph F is amended to add the following second paragraph:

Further, the Archdiocese through Archbishop Hebda agrees to participate in at least three (3) restorative justice sessions to be determined by the RCAO.

5. Paragraph 10.1 is deleted and the following inserted in its place:

10.1 The RCAO will recommend one individual for appointment to the Ministerial Review Board and the Director shall not unreasonably reject that recommendation. The Director shall thereafter consider recommendations that may be made by the RCAO in the appointment of members to the Ministerial Review Board.

6. Paragraph 13.6 is deleted and the following inserted in its place:

13.6 Confidentiality Agreements. 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.

With respect to any settlement agreement preceding the effective date of this Amendment to Settlement Agreement, the Archdiocese releases any victim of alleged sexual abuse from any confidentiality obligation that may exist in any settlement agreement entered into with the Archdiocese. The Archdiocese shall make a public statement within thirty (30) days of the effective date of this Amendment to Settlement Agreement that it has released any alleged victim of sexual abuse from any confidentiality obligation attributable to any earlier settlement agreement with the Archdiocese.

7. Paragraphs 13.11 and 13.12 are deleted and the following inserted in their place:

13.11 Position of Director. The Archdiocese shall maintain the position, authority and responsibilities of the Director until at least February 1, 2020. It thereafter pledges its intent and commitment to maintain the same or a substantially similar position going forward thereafter.

- a. The Director shall have an adequate budget so that the Director unilaterally or the Ministerial Review Board as a body may retain outside

legal counsel solely regarding the matters of ministerial standards and safe environment. Under this exclusive defined authority, the Director and the Ministerial Review Board shall not be required to confer with or rely only upon internal legal services of the Archdiocese. To the extent legal fees will exceed the Director's budget, financial expenditures are subject to approval by the Board and the Archdiocese Finance Council (and the Bankruptcy Court during the pendency of the Bankruptcy Proceedings) if necessary.

- b. In the event the position of Director becomes vacant prior to February 1, 2020, the Archbishop will consult with the Board, the Ministerial Review Board, and the RCAO regarding a successor to fill the position of Director.
    1. If practicable, the current Director shall provide notice to the Ministerial Review Board and the Archbishop of his intent to separate from employment as early as practicable to permit a comprehensive, effective search for his replacement.
8. Paragraph 14.2(b) is deleted and the following inserted in its place:
- b. The first annual outside audit will cover the period from the last date of execution of the Agreement through June 30, 2017. Fiscal-year auditing shall occur thereafter. The Agreement as amended contemplates three (3) fiscal year outside compliance audits.
9. Paragraph H (Victims Fund) is amended to add the following second paragraph:
- The Archdiocese represents that it has included the establishment of a Victims Fund as part of its Plan for Reorganization filed May 26, 2016 in the Bankruptcy Proceedings. Should such a fund not exist at discharge from the Bankruptcy Proceedings, the Archdiocese agrees to meet and confer with the RCAO regarding the provision of ongoing and future counseling or treatment, as such counseling or treatment may then be appropriate, for any of Victim 1, Victim 2, Victim 3 or a member of their immediate family.
10. The first sentence of Paragraph M (Term of Agreement) is deleted and the following inserted in its place:
- This Agreement was approved by the United States Bankruptcy Court on January 28, 2016 and runs until February 1, 2020.
11. This Amendment is effective upon execution.

IN WITNESS WHEREOF, the Archdiocese and the RCAO execute this Amendment to Settlement Agreement on and as of the date(s) indicated below:

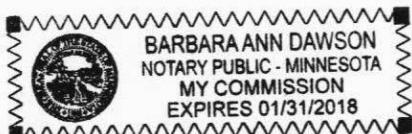
Dated: July 19, 2016

THE ARCHDIOCESE OF ST. PAUL AND MINNEAPOLIS, a Minnesota corporation

By: Bernard A. Hebda  
Bernard A. Hebda  
Its President

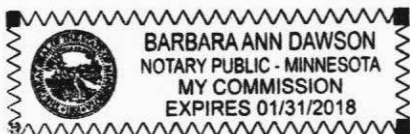
Subscribed and sworn to before me this 19th day of July, 2016.

Barbara Ann Dawson  
Notary Public



Subscribed and sworn to before me this 19th day of July, 2016.

Barbara Ann Dawson  
Notary Public



APPROVED AS TO FORM:

Dated: July 19, 2016

By: Joseph F. Kueppers  
Joseph F. Kueppers  
Its Secretary

Registered Office:  
226 Summit Avenue  
St. Paul, Minnesota 55102

FREDRIKSON AND BYRON, P.A.

By: Joseph T. Dixon  
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Dated: 7-19-16

JOHN J. CHOI  
RAMSEY COUNTY ATTORNEY

By:  \_\_\_\_\_

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