

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

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In re:

Case No. 15-30125

The Archdiocese of Saint Paul and  
Minneapolis,

Chapter 11

Debtor.

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**NOTICE OF FILING OF SUPPLEMENT TO THE OFFICIAL COMMITTEE OF  
UNSECURED CREDITORS' PLAN OF REORGANIZATION**

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PLEASE TAKE NOTICE that the documents attached hereto supplement the filed *Chapter 11 Plan of Reorganization Filed by Official Committee of Unsecured Creditors* [Docket No. 757] (the "Plan"). The documents contained in the Plan Supplement are part of the Plan and integral to the implementation of the Plan (the "Plan Supplement"), and if the Plan is approved, shall be approved in the order confirming the Plan. The Official Committee of Unsecured Creditors (the "Committee") reserves the right to alter, amend, modify, or supplement any document in this Plan Supplement.

PLEASE TAKE FURTHER NOTICE that a hearing to consider the Disclosure Statement (the "Disclosure Statement Hearing") shall be held on December 15, 2016 at 1:00 p.m. prevailing Central Time before the Honorable Robert J. Kressel, United States Bankruptcy Judge, in Courtroom 8 West of the United States Bankruptcy Court for the District of Minnesota, 300 South 4<sup>th</sup> Street, Minneapolis, Minnesota.

Dated: November 15, 2016

*/e/ Robert T. Kugler*

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**COUNSEL FOR THE OFFICIAL  
COMMITTEE OF UNSECURED  
CREDITORS**

**UNITED STATES BANKRUPTCY COURT  
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**SUPPLEMENT TO THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS'  
PLAN OF REORGANIZATION**

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## AMENDED PLAN EXHIBIT D – EXHIBIT 1

### TRUST DISTRIBUTION PLAN

#### 1. DEFINITIONS

1.1 **Capitalized Terms.** Capitalized terms used in this Distribution Plan shall have the meanings given them in the Plan, the Trust Agreement or the Bankruptcy Code, unless otherwise defined herein, and such definitions are incorporated in this Distribution Plan by reference.

#### 2. PURPOSE, INTERPRETATION

2.1 **Purpose.** This Distribution Plan is designed to provide guidance to the Tort Claim Reviewer in determining the amount of each Tort Claim under the Plan by assigning to each such Claim a value pursuant to the Evaluation Factors below.

2.2 **General Principles.** As a general principle, this Distribution Plan intends to set out a procedure that provides substantially the same treatment to holders of similar Tort Claims. The range of values set forth in the Evaluation Factors below and the discretion given to the Tort Claim Reviewer to determine and to adjust the value to be assigned to a particular Tort Claim are intended to reflect the relative values of Tort Claims.

2.3 **Sole and Exclusive Method.** The Evaluation Factors set forth below shall be the sole and exclusive method by which the holder of a Tort Claim may seek allowance and distribution of such Claim. Although the factors collectively comprise the methodology that must be applied in reviewing Claims, the Tort Claim Reviewer may, as indicated below, take into account considerations in addition to those identified herein when evaluating a Claim within the parameters of the delineated factors.

2.4 **Interpretation.** The terms of the Plan shall prevail if there is any discrepancy between the terms of the Plan and the terms of this Matrix Protocol.

#### 3. PROCEDURE

3.1 **Allowance of a Tort Claim.** A Tort Claim shall be allowed if the Tort Claim Reviewer determines the Tort Claimant proved his or her claim by a preponderance of the evidence. If necessary, the Tort Claim Reviewer can ask for additional information to make this determination. The Tort Claimant may refuse such a request at his or her own risk. If a Tort Claim is allowed, the Tort Claim Reviewer shall determine the amount of such Tort Claim by assigning such Tort Claim a value pursuant to the Evaluation Factors. The Tort Claim Reviewer may consider the credibility of the Tort Claimant and the facts alleged in support of the Claim and, in the Tort Claim Reviewer's sole discretion, reduce or deny the Tort Claim.

3.2 **Proof of Abuse.** The Tort Claim Reviewer shall consider all of the facts and evidence presented by the Tort Claimant in the Tort Claimant's filed proof of claim. Within 30

days after confirmation of the Plan, Tort Claimants may submit supplemental information to the Tort Claim Reviewer in support of their Tort Claims.

Tort Claimants, or their counsel, may request an interview with the Tort Claim Reviewer. Such interview is for the purpose of supplementing information or otherwise assisting the Tort Claim Reviewer.

Tort Claimants or their counsel may request an interview with the Tort Claim Reviewer. The costs and expense of the Tort Claim Reviewer in connection with any such interview (including the Tort Claim Reviewer's fees incurred for travel time) shall be paid by the Tort Claimant. A minimum of one hundred dollars (\$100) must be advanced by the Claimant if an interview is to take place. The remainder of expenses incurred in connection with any interview(s) may be set off from the Claimant's award. The Tort Claim Reviewer may limit the duration of any interview(s) to a reasonable period.

**3.3 Determinations by the Tort Claim Reviewer.** The Tort Claim Reviewer shall notify each Tort Claimant in writing of the monetary distribution with respect to the Tort Claimant's claim, which distribution may be greater or smaller than the actual distribution to be received based on the outcome of any reconsideration claims. The Tort Claim Reviewer's determination shall be final unless the Tort Claimant makes a timely request for the point award to be reconsidered by the Tort Claim Reviewer. The Tort Claimant shall not have a right to any other appeal of the Tort Claim Reviewer's point award.

**3.4 Requests for Reconsideration.** The Tort Claimant may request reconsideration by delivering a written request for reconsideration to the Tort Claim Reviewer within twenty (20) calendar days after the date of mailing of the notice of the preliminary monetary distribution. Each written request must be accompanied by a check for the reconsideration fee, four hundred dollars (\$400). The Tort Claimant, with the request for reconsideration, may submit additional evidence and argument in support of such request. The Tort Claimant's monetary distribution amount may go up or down as a result of his or her request for reconsideration. The Tort Claim Reviewer shall have sole discretion to determine how to respond to the request for reconsideration. The Tort Claim Reviewer's determination of such request for reconsideration shall be final and not subject to any further reconsideration, review or appeal by any party, including a court.

#### **4. GUIDELINES FOR ALLOCATION FOR ABUSE SURVIVOR CLAIMS**

**4.1 Evaluation Factors.** Each Tort Claim will be evaluated by the Tort Claim Reviewer. Each Claim will be assigned points according to the following system.

- a. **Abuser Profile.** Point values should be assigned in
  - (1) 15 points should be assigned if the abuser is on the Archdiocese's "Credibly Accused" list;
  - (2) 10 points should be assigned if the abuser is on any list of credibly accused besides the Archdiocese's list; and

(3) 5 points should be assigned if the abuser was accused by other Tort Claimants but is not on any list.

b. **Nature of Abuse & Circumstances.** A point value ranging from 0 to 35 should be allocated for this section. Considerations should include, but are not limited to, the following factors:

(1) The duration and/or frequency of the abuse;

(2) Type of abuse: e.g. penetration, attempted penetration, masturbation, oral sex, touching under the clothing, touching over the clothing, kissing, sexualized talk;

(3) Circumstances of abuse:

a. grooming behaviors including but not limited to special privileges, special activities, and attention, social relationship with parents, personal relationship with claimant, opportunity to experience sports or activities, isolation from others, use of alcohol or illicit drugs by abuser or claimant or use of or exposure to pornography;

b. coercion or threat or use of force or violence, stalking;

c. relationship of claimant to perpetrator including but not limited to whether claimant was a parishioner or student, held perpetrator in high regard, whether perpetrator was in position of trust, whether perpetrator had unsupervised access to claimant, and whether claimant valued relationship with perpetrator;

d. multiple priests involved in sexual misconduct;

e. location of abuse, including but not limited to isolated location, Tort Claimant's home, rectory, church, cabin, orphanage, boarding school, trip.

c. **Impact of the Abuse.** Overall, this category looks to how the abuse impacted the claimant. This includes how the abuse impacted the claimant's mental health, physical health, spiritual well-being, inter-personal relationships, vocational capacity or success, academic capacity or success, and whether the abuse at issue resulted in legal difficulties for the claimant. Some of these considerations may include the below factors, but the below list is not intended to be exhaustive. A point value ranging from 0 to 40 should be allocated for this section.

The Tort Claim Review should consider, along with any and all other relevant factors, whether the abuse at issue manifested, or otherwise led the claimant to experience, or engage in behaviors resulting from:

- a. **Mental Health Issues.** This includes but is not limited to anxiety, depression, post-traumatic stress disorder, substance abuse, addiction, embarrassment, fear, flashbacks, nightmares, sleep issues, sleep disturbances, exaggerated startle response, boundary issues, self-destructive behaviors, guilt, grief, homophobia, hostility, humiliation, anger, isolation, hollowness, regret, shame, isolation, sexual addiction, sexual problems, sexual identity confusion, low self-esteem or self-image, bitterness, suicidal ideation and suicide attempts.
  - b. **Physical Health Issues.** This includes but is not limited to physical manifestations of emotional distress, gastrointestinal issues, headaches, high blood pressure, physical manifestations of anxiety, erectile dysfunction, heart palpitations, sexually-transmitted diseases, physical damage caused by acts of abuse, reproductive damage, self-cutting and other self-injurious behavior.
  - c. **Spiritual Wellbeing.** This includes but is not limited to loss of faith in God, loss of faith and trust in religion and spiritual distress.
  - d. **Interpersonal Relationships.** This includes but is not limited to problems with authority figures, hypervigilance, sexual problems, marital difficulties, problems with intimacy, lack of trust, isolation, betrayal, impaired relations, secrecy, social discreditation and isolation; damage to family relationships, and fear of children or parenting;
  - e. **Vocational Capacity.** This includes but is not limited to under- and un-employment, difficulty with authority figures, difficulty changing and maintaining employment, feeling of unworthiness or guilt related to financial success.
  - f. **Academic Capacity.** This includes but is not limited to school behavior problems.
  - g. **Legal difficulties.** This includes but is not limited to criminal difficulties, bankruptcy, fraud.
- d. **Claimant Involvement.** The Tort Claim Reviewer shall consider that all Claimants have benefited from the work and cost incurred by those Claimants who have previously asserted claims against the Archdiocese and have participated in the legal and factual development of claims against the Archdiocese. A point value ranging from 0 to 10 should be allocated for this section.

The Tort Claim Review should consider factors including but not limited to whether the Claimant has filed a lawsuit; whether the Claimant and/or the

Claimant's family has been subject to a deposition, mediation or interview; whether the Claimant has participated on the committee representing survivors; and whether the Claimant participated in publicizing the issue of clergy sex abuse which has benefitted all claimants.

## 5. ADDITIONAL PROVISIONS

5.1 **Distribution Offset or Reduction.** Any compensation on account of the Abuse shall be set off by one hundred percent (100%) of the amounts previously paid to the survivor by any entity. If the Tort Claimant has a pending lawsuit against any non-Released Party, the Tort Claimant's final monetary distribution shall be reduced by twenty-five percent (25%).

5.2 **Prior Investments in Pursuit of Claims.** As explained in Section 4(d) above, all Claimants have benefited from investments made by those Claimants who have previously asserted claims against the Archdiocese and/or participated in the legal and factual development of claims against the Archdiocese. In light of the collective benefits derived from such investments of time, energy, and/or personal funds by Tort Claimants, any out-of-pocket amounts formerly expended by a Tort Claimant in pursuit of his or her Claim, and any amounts paid to, or owed to legal counsel and other professional advisors in pursuit of the Claim, shall be paid by the Trust such that all Tort Claimants with equivalent point values receive the same net distribution from the Trust after the payment of fees and costs incurred in pursuit of Claims.

5.3 **Minimum Payment.** Notwithstanding anything to the contrary herein or in the Plan, every holder of an allowed Tort Claim shall receive a distribution of at least \$3,000, unless the Claim is disallowed in its entirety by an Order of the Bankruptcy Court or a decision by the Tort Claim Reviewer.



**AMENDED PLAN EXHIBIT D – EXHIBIT 2**

**TRUSTEE COMPENSATION**

The initial Trustee shall be John Esposito, Berkeley Research Group, LLC. The initial Trustee shall charge a blended rate of no more than \$550 per hour.

**AMENDED PLAN EXHIBIT O**  
**CHILD PROTECTION PROVISIONS AND PROTOCOLS**

**1. PREVENTION, TRAINING AND CHILD PROTECTION PROTOCOLS**

- 1.1. The Archdiocese of St. Paul and Minneapolis shall continue to provide information in writing to 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.
- 1.2. The Archdiocese shall continue to provide VIRTUS training or equivalent safe environment training to all new Archdiocese employees and agree to provide updated VIRTUS training or equivalent safe environment training to all Archdiocese employees every five years. If significant changes are made to the Archdiocese's VIRTUS training materials, the Archdiocese shall provide updated training to all Archdiocese employees within a reasonable time after these changes are adopted.
- 1.3. All mandated reporters, as defined in the Minnesota Statutes, at the Archdiocese shall receive specific training regarding reporting obligations every three years and within thirty (30) days of their retention if newly hired.
- 1.4. The Archdiocese shall implement "Good Touch/Bad Touch" education to all children in each parish and school. This can be done in conjunction with the CCD programs, and should start at an early age and continue until confirmation.
- 1.5. The Archdiocese shall train all employees, including priests, as to how and where to report any behavior of another employee that appears suspicious, sexual in nature, or as creating an inappropriate relationship with a minor.
- 1.6. The Archdiocese shall maintain and continue to implement the following policies:
  - a. Employees and volunteers of the Archdiocese, any parish, or any school are prohibited 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, and employees or volunteers transporting children of friends and neighbors with the consent of the parent or guardian of such children.
  - b. Clergy, including priests, are prohibited from being alone (i.e. out of sight of at least one other adult) with any unrelated minor except when the clergy member is hearing confession in a confessional and except for common sense exceptions, such as emergency situations and circumstances where interaction with a minor is incidental and not extended.

- c. Clergy are prohibited from traveling or taking any overnight trips alone with any unrelated minor. If a clergy member travels with any unrelated minor(s), then there must be at least one other non-Clergy adult present and actively supervising the minor(s) at all times. Clergy are strictly prohibited from sleeping in the same space (e.g., room, bedroom, hotel room, tent, bed, etc.) with any minor.
- d. Clergy are prohibited from having an unrelated child or children in their automobile unless another non-clergy adult is present.
- 1.7. The Archdiocese shall adopt a whistleblower policy concerning the reporting of abuse and expressly providing that the Archdiocese will not take any retaliatory actions against persons who report such information in good faith.
- 1.8. The Archdiocese leadership shall make a good faith effort to obtain from each clergy member working within the Archdiocese, a signed and dated written statement affirming that the clergy member (1) has not sexually abused any minor at any time, and (2) has no knowledge of any abuse of a minor by another priest of the Archdiocese or employee of the Archdiocese that has not been reported to law enforcement and the Archdiocese. The Archdiocese shall also make a good faith effort to obtain from any visiting priest who is given open-ended faculties to minister in the Archdiocese or has an assignment in a parish or related Archdiocesan entity, a signed and dated statement under this paragraph no later than thirty (30) days after assignment or open-ended faculties are given. The written statements provided under this paragraph shall not require any clergy to disclose knowledge of sexual abuse of minors obtained in the course of confession or where a person seeks religious or spiritual advice, aid, or comfort pursuant to Minn. Stat. § 595.02 or Minnesota law.
- 1.9. The Archdiocese shall not recommend any clergy for a position in active ministry (i.e., those clergy with permission to exercise priestly ministry to the faithful) or any other position within the Archdiocese, any parish or any school, who has a pending credible or previously substantiated claim of sexual abuse of a minor against him,<sup>1</sup> or is otherwise deemed unsuitable for ministry under circumstances that arise in whole or in part, out of accusations or risk of sexual abuse of a minor. Likewise, the Archdiocese shall not recommend, and shall direct clergy not to recommend, any non-clergy employee for a position within the Archdiocese, any parish, or any school, who has a pending credible or previously substantiated claim of sexual abuse of a minor against him or her.
- 1.10. The Archdiocese will retain a third-party expert in the field of child protection that is mutually acceptable to the Archdiocese and the Committee (the "Child Protection Consultant") for the purpose of: (a) reviewing and making recommendations with respect to the regular seminarian and other training programs and approving third-party professionals involved with such programs; and (b) evaluating and making public

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<sup>1</sup> A "credible claim" is one that is "not manifestly false or frivolous." A "substantiated claim" is one for which sufficient evidence exists to establish reasonable grounds to believe that the alleged abuse occurred.

recommendations with respect to all current and future child protection programs administered by the Archdiocese. The Archdiocese will fund all current and future costs and expenses associated with retaining the Child Protection Consultant.

- 1.11. The Archdiocese's seminarians, regardless of where they are in training as candidates for the priesthood, in addition to their education and training at their seminaries regarding the childhood sexual abuse and the prevention, detection and reporting of such abuse, shall be required to hear directly, annually, from survivor-advocates and third-party child protection professionals mutually acceptable to the Archdiocese and the Child Protection Consultant about the devastating impact of childhood sexual abuse on the lives of survivors and the critical importance of the seminarians' responsibility to report any suspicions or knowledge of abuse to the proper civil authorities. The Child Protection Consultant will evaluate and make public recommendations with respect to the foregoing programs and shall be permitted to attend and observe the inaugural presentation to the seminarians and subsequently attend and observe these presentations not less frequently than every five years.
- 1.12. The Archdiocese shall continue to require and fund annual mandatory reporting training for all of its employees. The Child Protection Consultant will evaluate and make public recommendations with respect to the foregoing program.
- 1.13. The Archdiocese shall continue to develop, publish and implement a child abuse prevention curriculum (such as "Keeping Our Promises") for all Catholic schools affiliated with the Archdiocese, and in all parish religious education programs. Each parochial and private Catholic school affiliated with the Archdiocese shall adopt a curriculum that informs and empowers those served by Catholic education in a manner that fosters dignity, prevents abuse, and encourages communication of potential and actual abuse. The curriculum shall educate children, young people and their parents in a manner that prepares them to create and maintain a safe environment. The curriculum shall be age-appropriate, and include instruction in ways to prevent, identify and report child sex abuse. Full compliance with a ZERO TOLERANCE policy is mandatory. The Child Protection Consultant will evaluate and make public recommendations with respect to the foregoing programs.
- 1.14. Not less frequently than every five years, the Archdiocese will retain the Child Protection Consultant, or another third-party expert that is mutually acceptable to the Archdiocese and the Child Protection Consultant, to re-evaluate and make recommendations with respect to the programs and procedures referenced above. Upon appointment, such third-party will then act as Child Protection Consultant hereunder until such time as he or she is succeeded by another mutually accepted third-party as described above.<sup>2</sup>

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<sup>2</sup> In the event that any sitting Child Protection Consultant is unwilling or unable to choose its successor, the Archdiocese or any other sexual abuse claimant in the bankruptcy case may petition the bankruptcy court to appoint a successor Child Protection Consultant.

## **2. PUBLICATION AND DISCLOSURE REQUIREMENTS**

- 2.1. Public disclosure of substantiated claims of sexual abuse by clergy and those facing pending credible claims that are under investigation shall be ongoing. The disclosures will be updated when a claim is determined to be substantiated, whether from the review of clergy files by outside experts or otherwise. In every such case, the Archdiocese will add the name of the clergy member to the disclosure section of its website. The Archdiocese will also disclose the names of clergy deemed unsuitable for ministry under circumstances that arise, in whole or in part, out of accusations or risk of sexual abuse of a minor. 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.
- 2.2. The Archdiocese shall publish in the Catholic Spirit, or similar Catholic publication, four times per year for five (5) years and one time per year for an additional five (5) years thereafter a statement urging those subject to the sexual abuse of a minor to contact law enforcement to make a report of the abuse.
- 2.3. For a period of not less than ten (10) years, the Archdiocese will post on its webpage the names of all known diocesan clergy or lay employees for whom there are admitted, corroborated or otherwise substantiated allegations of sexual abuse, molestation, and/or rape of a minor. The Archdiocese and the Committee will agree on the list of names prior to the Effective Date, with any disputes regarding this list to be resolved by the bankruptcy court. After the Effective Date, the Archdiocese will add any additional names to list to the extent the criteria set forth above is satisfied. Notwithstanding the foregoing, the Archdiocese shall maintain the posting for any longer period of time if recommended by the U.S. Conference of Catholic Bishops.
- 2.4. The Archdiocese will for five (5) years include a link on its website to a prominent statement urging persons sexually abused by priests or religious to come forward and contact law enforcement, and/or any survivor group or organization felt appropriate by the person wishing to make a report of abuse.
- 2.5. The Archbishop shall issue a statement of gratitude for the survivors of sexual abuse who have had the courage to speak about the abuse they endured and continue to live with every day. This statement shall be posted on the Archdiocese's website and published prominently as a retail ad of no less than ½ page in a number of regional newspapers and publications. In the statement, the Archdiocese shall also encourage victims to report abuse to law enforcement and seek help from professional counselors. This statement shall include contact information for support groups such as SNAP, and/or similar organizations.
- 2.6. The Archbishop will personally visit each parish where a priest regarding whom there are admitted, corroborated or otherwise substantiated allegations of sexual abuse of minors was assigned, express his gratitude for the survivors who have had the courage to speak about the sexual abuse they suffered as minors and will apologize. The

Bishop's visits will be scheduled and publicized on the Archdiocese's website and in parish bulletins at least thirty (30) days in advance.

- 2.7. On an annual basis the Archdiocese shall submit to the Child Protection Consultant and publish on its website its annual audit of: (a) its compliance with the U.S. Conference of Catholic Bishops' Charter for the Protection of Children and Young People; and (b) the foregoing child protection programs. The Archdiocese may itself retain the Child Protection Consultant to conduct the annual audit.
- 2.8. With regard to a substantiated claim of sexual abuse of a minor, 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 will be made accessible to the public; provided, however, that no survivor's identity may be released or revealed without his or her prior written permission.
- 2.9. The Archdiocese shall disclose any accusation of sexual abuse of a minor to any Archdiocese, Catholic entity or secular employer who inquires about the existence of any accusation of sexual abuse of a minor with regard to a past or present Archdiocesan clergy member to the extent that communication is allowed by federal and state law. The Archdiocese shall also disclose the status or resolution of that claim as reflected in its records as allowed by federal and state law.
- 2.10. For a period of ten (10) years, the Archdiocese will post on its webpage a prominent link to the names of all members of the Archdiocese, who are identified as perpetrators of sexual abuse in proofs of claim filed in the bankruptcy case. Notwithstanding the foregoing, the Archdiocese shall maintain the posting for any longer period of time if recommended by the U.S. Conference of Catholic Bishops.

### **3. REPORTING AND INVESTIGATION OF ABUSE**

- 3.1. When the Archdiocese receives a report or any indication of child sexual abuse and makes a mandated report to law enforcement pursuant to Minnesota statutes, 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 an investigation, or authorizes the Archdiocese to proceed with its investigation.
- 3.2. Once a priest is accused of sexual misconduct, the case should be immediately put to the police and investigated in the same manner as any individual would be. The priest should be immediately put on suspension and not allowed to have any interaction with children during the investigation. If after investigation the allegations of sexual misconduct are found to be true, the accused priest should be allowed to stand a criminal proceeding and accept the outcome just as any other member of society must do.

- 3.3. The Archdiocese shall not oppose, expressly or implicitly, any proposed or enacted statutes or laws or judicial precedent that require mandatory reporting of child abuse, abandonment or neglect.
- 3.4. The Archdiocese shall adopt and implement a written policy requiring all members and employees to report to state and local police and law enforcement authorities any knowledge of child sexual abuse (provided that reporting of knowledge of abuse obtained within the Sacrament of Confession is not mandatory).
- 3.5. The Archdiocese shall continue to provide a toll-free phone number and website for anonymous abuse complaints and include that information on the main page of its website. If a report of abuse is made formally to any employee in the Archdiocese or through the aforementioned avenues, the Archdiocese will encourage the alleged victim to report the information to law enforcement and the Archdiocese will report the information to law enforcement as well.

#### **4. CHURCH CULTURE CONCERNING ABUSE, LETTERS OF APOLOGY, MEETINGS, REMOVAL OF VISIBLE HONORS AND OTHER NON-MONETARY REQUESTS**

- 4.1. Develop through policy and education a "Victim Friendly" culture in the church administration.
- 4.2. In furtherance of fostering such a culture, the Bishop shall do the following:
  - a. issue a public statement regarding the Child Victim's Act that will include an acknowledgement that he has been told by survivors of sexual abuse that the Act helped many of them to come forward and deal with the abuse they suffered, and that he is grateful that they have done so;
  - b. issue a written statement of gratitude for the survivors who have the courage to speak about the sexual abuse they suffered as minors; and
  - c. personally visit each parish where a priest regarding whom there are admitted, corroborated or otherwise substantiated allegations of sexual abuse of minors was assigned and express his gratitude for the survivors who have had the courage to speak about the sexual abuse they suffered as minors and apologize.
- 4.3. The Archdiocese will prominently display a plaque in each Archdiocesan or parish school which shall be no less than 8.5" x 11" and placed next to the door of the primary leader, Bishop, or Principal's office, stating: *"The abuse of the spiritual, emotional, physical and moral well-being of the children and young men and women of [name of school] shall not be tolerated."* Plants, furniture, or any other items shall not obstruct these plaques.
- 4.4. Upon request of an abuse survivor, the Archbishop shall, on behalf of the Archdiocese, send a personally signed letter of apology to the abuse survivor or their immediate

family member(s). Letters of apology shall state that the survivor was not at fault for the abuse and that the Archdiocese takes responsibility for the abuse. Such letter shall be in the context of a Minnesota Rule of Civil Procedure 408 settlement communication.

- 4.5. Archdiocesan leadership shall meet with any survivor or his or her support person as reasonable in a supervised setting (with a facilitator when appropriate), with due respect for the needs of the survivor. Meetings shall be private and may be interrupted or delayed by the facilitator if the setting becomes overly difficult.
- 4.6. Upon request of an abuse survivor, each abuse survivor will be provided the opportunity to speak to the congregation after a regularly scheduled mass regarding the scope and nature of each survivor abuse and related experiences. Alternatively, the Archdiocese will make up to (3) three printable pages available per quarter for two years on the Archdiocese's website for abuse survivors to tell their stories of abuse, if they desire to publish their stories.
- 4.7. The Archdiocese shall remove 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 priest with a substantiated claim of sexual abuse of a minor. This does not prevent the Archdiocese from displaying photos of priests with a substantiated claim of abuse if that photo or the words accompanying it clearly indicate that the priest had a substantiated claim of sexual abuse of a minor asserted against him.
- 4.8. The Archdiocese will institute a policy requiring that the Bishop, priests, all Ecclesiastical Officers, Archdiocese leadership and its official spokespersons not refer either verbally or in print to sexual abuse claimants as "alleged" claimants, "alleged" victims or "alleged" survivors and will require the same to refer to claimants as "survivors of clergy sexual abuse" or "survivors of sexual abuse perpetrated by lay employees."
- 4.9. The Archdiocese will never seek to, direct, pay or hire any agent or employee or third party, to retract, oppose or challenge the constitutionality or legitimacy of any reform of a statute of limitations affecting sexual abuse in the State of Minnesota or similar legislation or law in any other state or jurisdiction.
- 4.10. Release from confidentiality provision in settlement agreements: The Archdiocese shall publicly announce and post on its website for a period of five (5) years its policy of releasing all survivors from any confidentiality provisions in settlement agreements, which they signed as a condition to such settlements. The Archdiocese shall contact counsel for all survivors who entered into such confidentiality agreements to inform them that they are not bound by such agreements. The Archdiocese shall forbid confidentiality provisions in any settlement agreement related to sexual abuse entered into by the Archdiocese and/or parish except at the written request of the survivor.
- 4.11. The Archdiocese shall allow any survivor to speak publicly in the parish where he or she was abused.