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**Assessment of Diocese of
Manchester's Compliance
Program for
The New Hampshire
Attorney General**

January 16, 2007

ADVISORY

Prepared by:
KPMG FORENSIC SERVICES

Diocese of Manchester

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Appendix A – Relevant portions of the U.S. Sentencing Commission, Federal Sentencing Guidelines
(November 2004)

Appendix B – Excerpt from the U.S. Sentencing Commission Amendments to the Organizational Sentencing
Guidelines

Exhibits

- A. Non-Prosecution Agreement (December 2002)
- B. Promise to Protect, Pledge to Heal – Policy for the Protection of Children and Young People
Draft March 2007
- C. Serving Christ, Serving Others, The Catholic Church of New Hampshire Code of Ministerial Conduct
Publication December 29, 2003, Effective March 19, 2004
- D. Diocese of Manchester – Screening and Training Protocol for Church Personnel Effective
May 1, 2006
- E. Diocese of Manchester Action Plan – April 26, 2006
- F. Letter from NH Attorney General Kelly Ayotte to Bishop John McCormack
- G. Document review list
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I. Introduction

A. Background

The Diocese of Manchester (the Diocese), which was established in 1884, encompasses the entire State of New Hampshire and consists of 117 parishes, 25 diocesan schools, and two summer camps. The Diocese's Web site listed 116 active priests and 48 permanent deacons serving 310,206 registered Catholics as of December 31, 2004. Bishop McCormack, responsible for overseeing the Diocese, was appointed by Pope John Paul II and installed as the ninth Bishop of Manchester on September 21, 1998.

In December 2002, the State of New Hampshire, through its Attorney General (the Attorney General), reached a Non Prosecution Agreement (the Agreement) with the Diocese relating to allegations of sexual misconduct with minors by priests and diocesan leaders over a 40-year period. This Agreement established terms and conditions to facilitate the protection of minors and ensure a system of accountability, oversight, transparency, and training.

The terms of the Agreement comprise the basis for the Diocese's Compliance Program (the Compliance Program or Program). This Program is to include:

- (1) The implementation of policies and procedures for preventing, responding to, and reporting allegations of sexual abuse
- (2) The provision of safety training regarding the sexual abuse of minors and the reporting requirements for diocesan personnel
- (3) The maintenance of the Office of the Delegate for Sexual Misconduct to handle all allegations of sexual abuse of minors
- (4) The retention of all documents and information relating to allegations of sexual abuse by minors until the death of the accused diocesan Personnel
- (5) An annual audit regarding compliance with the terms of the Agreement and diocesan policies.

A copy of the Agreement is attached as **Exhibit A**.

In November 2003, the Attorney General selected KPMG's Forensic practice to provide assistance with the annual audits provided for in the Agreement. In February 2004, the Diocese sent the Attorney General's Office a draft of a proposed assessment instrument.¹ After resolving the issues raised by the Diocese, the Attorney General retained KPMG on May 4, 2005, to assess the Diocese's compliance with the Agreement.

KPMG issued a report relating to its first of four planned annual program assessments on March 13, 2006.

This report details KPMG's observations and recommendations resulting from the second of four annual program assessments.

¹ Discussions between the New Hampshire Attorney General's Office and representatives of the Diocese ensued, and the following concerns were expressed by the Diocese: the nature of the personnel selected for interviews; the scope of the assessment for year one given the implementation of new policies for subsequent years; the selection of an outside entity to assist with the assessment; the cost of the assessment and the party responsible for payment; the structure and tone of the final report; and the timing for commencement of assessment procedures.

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B. Limitations on Liability

KPMG was not engaged to perform an audit, review, or compilation of financial statements or financial information, as those terms are understood and defined by professional guidance promulgated by the American Institute of Certified Public Accountants and, accordingly, it expresses no opinion or other form of assurance on financial statements or financial information. Furthermore, KPMG was not engaged to conduct a comparative legal analysis or to provide any legal conclusions, opinions, or advice herein.

In conducting its assessment, KPMG made subjective judgments in a variety of areas relating to legal, regulatory, and industry standards. These judgments are based on U.S. laws and regulations, and on KPMG's knowledge and experience in understanding relevant guidance presented by leading industry policy groups. There is no guarantee, however, that KPMG's views will concur with those of regulators or law enforcement and therefore, KPMG makes no representation regarding the same.

During the course of the assessment, KPMG was provided with various documents and explanations. If further documentation or explanations come to light after the issuance of our report, KPMG reserves the right to, but is not obligated to, amend its findings, recommendations, or considerations for enhancement.

This report provides the results of KPMG's independent assessment of the Diocese's Compliance Program as it existed at the time of its review. The observations and recommendations of KPMG as presented in this report are based on the procedures performed as described in the Methodology below, and on the information supplied by the Delegate, diocesan and parish employees, and the analysis of the relevant documents provided at the time of our request. Were KPMG to perform additional procedures, or should the information provided be inaccurate for any reason, it is possible that our assessment and observations would be different.

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II. Executive Summary

Since KPMG's previous program assessment in 2005, it appears that the Diocese has made significant progress and has introduced substantial positive enhancements to its Compliance Program (the Program). KPMG found that on April 25, 2006, in response to KPMG's previous recommendation and at the behest of the Attorney General's Office, the Diocese produced a formal Action Plan, which identified its methodology and timeline for achieving compliance with the Agreement and addressing KPMG's recommendations. Specifically, the Action Plan outlined the Diocese's goals and objectives, 28 action items, responsible parties for each action item, and a calendar for implementation.

The Diocese has dedicated additional resources and demonstrated commitment towards accomplishing its Action Plan and numerous overall program-wide enhancements. For example, in March 2006, the Diocese hired a full-time diocesan Compliance Coordinator (CC). Shortly thereafter, the Diocese retained the services of an outside Certified Public Accountant to manage the implementation of the Action Plan as well as retained the services of several additional individuals to assist in the performance of site visits at each of the Diocese's 141 parishes, schools, and camps. Most recently, the Diocese has converted the Safe Environment Assistant a part-time position to a full-time position to assist the CC.

From the results of the reviewed documentation and interview performed, it also appears that significant efforts have been made towards the further development and enhancement of the Program's written policies and procedures. In May 2006, the Diocese issued a revised and improved Diocese of Manchester *Screening and Training Protocol for Church Personnel*. In addition, the Diocese has updated its *Promise to Protect, Pledge to Heal* (the *Policy*) and provided a draft to the New Hampshire Attorney General's Office for its review and recommendations.

Despite the substantial progress made by the Diocese, there are still some critical gaps and issues which need to be rectified before the Diocese of Manchester will be considered in full compliance² with the Agreement or be considered to have a fully effective³ and sustainable compliance program. For example, the site visits initially performed relied on a set of procedures which are largely based on self-reporting. Although Church personnel conducting the audits had documentary evidence for some aspects of the compliance program, they did not appear to have verified actual compliance through physical observation and independent verification of documentary means for significant aspects of the compliance program. For example, the reviewers inappropriately relied on the pastors/principals/directors to fully identify the relevant population and verbally report compliance dates for inclusion in the Safe Environment Database, rather than through the presentation of documentation supporting compliance.

Proper tone at the top⁴ is a critical factor in all effective compliance programs and a clear consistent communication and demonstration of commitment to the Program its goals and requirements. While the Diocese of Manchester has endeavored to promulgate messages of

² In defining the term, "full compliance," KPMG refers to page 13 of Justice Conboy's March 22, 2005 Order, in which it is noted that the Diocese's agreement with the Attorney General "...implies an agreement to submit to an audit to determine whether its policies are working – that is whether they are 'effective.'"

³ Dictionary.com defines the term "effective" as "adequate to accomplish a purpose."

⁴ The Committee of Sponsoring Organizations of the Treadway Commission (COSO) references this term in describing the importance of a control environment as central to an effective compliance program. Specifically, COSO states, "The control environment sets the tone of an organization, influencing the control consciousness of its people. It is the foundation for all other components of internal control, providing discipline and structure. Control environment factors include the integrity, ethical values, management's operating style, delegation of authority systems, as well as the processes for managing and developing people in the organization."



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child safety to its community, it remains imperative that such messages come directly from the Bishop and his key reports and reflect the Bishop's personal and evidenced commitment to the safety of minors, the Program, and compliance with the Agreement. The tone at the top, however, does not appear to be consistent among key personnel at the Diocese of Manchester. Of note was the Delegate of Ministerial Conduct, whose commitment to cooperation with the assessment of the Program by KPMG was not evident during his meeting with KPMG representatives, as there appeared to be a lack of detailed information and candor provided during his interview. An improvement in the program's senior leadership's demonstrable tone is warranted.

Finally, it has been almost four years since the Diocese and the Attorney General's Office entered into the subject Agreement and while substantial progress has been made, the Diocese is still not in full compliance therewith and more structural and procedural enhancements are needed to achieve full, effective, and sustainable compliance.

Section IV below details the requirements of the Agreement, relevant industry/public guidance, an overview of the Diocese's program, as well as KPMG's specific findings and recommendations.



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III. Methodology

A. Overview

Consistent with the methodology employed during the 2005 program assessment, KPMG's overall methodology for this review included: (1) interviewing appropriate diocesan and Parish personnel who have responsibility over the Program, and (2) analyzing diocesan policies, procedures, standards, and relevant correspondence. The documents analyzed and the practices described to us by diocesan and Parish personnel are collectively referred to as "the Program" for purposes of this report.

B. KPMG's Compliance Program Assessment Methodology

1. Scope of Assessment

a. Interviews Conducted

KPMG had discussions with diocesan and Parish personnel, including the following:

- Most Reverend John B. McCormack, Bishop of Manchester
- Father Edward Arsenault, Delegate to the Office for Ministerial Conduct
- Diane Murphy-Quinlan, Associate Delegate to the Office for Ministerial Conduct
- Mary Ellen D'Intino, diocesan Compliance Coordinator
- Steven Boivin, CPA, diocesan Consultant
- J. Michael McDonough, Chairman of the Diocesan Review Board
- Lorraine Coll, Safe Environment Coordinator, St. Patrick's Parish
- Suzanne Walsh, Business Manager, Safe Environment Coordinator, Bishop Brady High School
- Michael Drumm, Director of Marketing, Camp Fatima
- Father Kelly, Pastor, St. Patrick's Parish, Nashua
- Raymond Dumont, Safe Environment Coordinator, St. Patrick's Parish, Nashua
- Joan Lannon, Safe Environment Coordinator, Holy Angels Preschool, Plaistow
- Father Steve Montesanti, Pastor, St. John The Evangelist, Concord
- Tammy Sexton, Coordinator of Religious Education, St. John the Evangelist, Concord.

Throughout the course of the assessment, KPMG also spoke with the following personnel at the Attorney General's Office:

- Ann Larney, Assistant New Hampshire Attorney General
- Will Delker, Assistant New Hampshire Attorney General
- Karen Huntress, Assistant New Hampshire Attorney General.



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b. Documents Reviewed

In preparing its report, KPMG reviewed numerous documents, including the Diocese's newly revised draft *Promise to Protect, Pledge to Heal: The Protection of Children and Young People (draft Policy)*⁵ and *Serving Christ, Serving Others: A Code of Ministerial Conduct (Code)*⁶. Both documents are attached as **Exhibits B and C**. A list of documents reviewed by KPMG, considered to be a part of the Diocese's Program, is also attached as **Exhibit G**.⁷

c. Limiting Testing Performed

As part of its assessment, KPMG performed limited and subjective testing on a judgmental basis at the Diocese, two parishes, a diocesan high school, diocesan pre-school, and one of the two diocesan summer camps. The results of this testing are provided for in the relevant sections of this report. Sample testing results are attached as Exhibit H.

2. Levels of Assessment

KPMG, in its findings, considered the Agreement's requirements and those of the Diocese's Program to be more important than industry leading standards. Both the completeness and quality of the policies and procedures as well as their implementation were considered.

The KPMG assessment standards should not be interpreted as assurance that a regulator, judicial officer, law enforcement body, or any other third party might assess the Program herein in a similar fashion.

3. Context of the Assessment

In performing its initial assessment and evaluating the design of the Diocese's Compliance Program in 2005, KPMG relied on several outside organizations that provide sample guidance as to the definition of an effective compliance program. These included the United States Conference of Catholic Bishops' (USCCB) own principles and policies, which offer a baseline standard for the diocesan policies as well as an approach for conducting a compliance review and the organizational guidelines set forth by the United States Sentencing Commission in its Federal Sentencing Guidelines.

United States Conference of Catholic Bishops

In response to the growing number of sexual abuse allegations in dioceses nationwide, the USCCB approved a *Charter for the Protection of Children and Young People* (the Charter) on June 14, 2002. This document provided a framework of policies and procedures relating to sexual abuse allegations and a response thereto. The Charter focused on the following four principles:

- (1) To promote healing and reconciliation with victims/survivors of sexual abuse of minors
- (2) To guarantee an effective response to allegations of sexual abuse of minors

⁵ The draft *Policy* is scheduled to become effective March 19, 2007.

⁶ According to the Diocese, this document has not been modified since KPMG's 2005 Program Assessment.

⁷ It should be noted that KPMG was only permitted to review documentation on diocesan property and did not retain copies of any documents reviewed, with the exception of those attached hereto as Exhibits or publicly available via the Diocese's website.



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- (3) To ensure the accountability of its procedures
- (4) To protect the faithful in the future.⁸

The 17 articles contained within the Charter address individual issues such as counseling, the establishment of a mechanism to respond to allegations of abuse of minors, the creation of a national office for Child and Youth Protection, a Review Board providing an annual report on each diocese, and the formation of preventative programs.

Following the approval of the Charter, the USCCB issued the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* (the Essential Norms). The Essential Norms sought to ensure that each diocese in the United States had procedures in place for responding to allegations of sexual abuse of minors. The Essential Norms directed each diocese to:

- (1) Have a written policy on sexual abuse
- (2) Appoint a competent person to coordinate assistance
- (3) Establish a review board to consult with the bishop
- (4) Conduct investigations into allegations
- (5) Remove priests or deacons when abuse is discovered
- (6) Comply with all civil authorities and investigations.⁹

The Essential Norms became the law of the dioceses and eparchies of the United States on December 8, 2002 through a Decree of recognition by the Holy See.

United States Sentencing Commission

The United States Sentencing Commission's Federal Sentencing Guidelines (the Guidelines) provide the most widely accepted guidance for an effective compliance program. According to the Guidelines' Application Notes, the definition of "organization" includes corporations, partnerships, associations, joint-stock companies, unions, trusts, pension funds, unincorporated organizations, government and political subdivisions thereof, and *nonprofit organizations*.¹⁰ Given this consideration, arguments have been made that these standards should apply to the entities such as Catholic dioceses.¹¹

The principles behind the Guidelines' model are important to understand because they have created: (i) a judicial framework that rewards responsible, self-governing companies; (ii) a sound model that companies can follow for managing ethical business conduct; and (iii) a standard that is influencing regulatory enforcement policies, criminal prosecutions, and director and officer liability in civil litigation.

⁸ United States Conference of Catholic Bishops, *Charter for the Protection of Children and Young People (Revised Edition)*, 2002.

⁹ United States Conference of Catholic Bishops, *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, 2002.

¹⁰ United States Sentencing Commission, *Guidelines Manual*, §8A1.1, *Commentary* (Nov. 2004) (emphasis added).

¹¹ Herbert I. Zinn, "The Saga of the Catholic Archdiocese of Boston: To Which Higher Authority Does Your Organization Report," Practicing Law Institute's Corporate Compliance Seminar, 2002, Page 4.



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As originally adopted, the Guidelines stated that for an organization's compliance program to be creditworthy, the program must, "at a minimum," include seven categories of activity:

- (1) Compliance standards and procedures reasonably capable of reducing the prospect of criminal activity
- (2) Oversight by high level personnel
- (3) Due care in delegating substantial discretionary authority
- (4) Effective communication to all levels of employees
- (5) Reasonable steps to achieve compliance, which include systems for monitoring, auditing, and reporting suspected wrongdoing without fear of reprisal
- (6) Consistent enforcement of compliance standards, including disciplinary mechanisms
- (7) Reasonable steps to respond to and prevent further similar offenses upon detection of a violation.¹²

Recent revisions, responding to numerous high-profile instances of misconduct as well as additional learning and development in the compliance field, have strengthened these criteria through the following structural safeguards: the promotion of a culture of compliance; active participation of the board and senior management; effective training and communications; monitoring, ongoing evaluation, and adherence to controls and program requirements; well-publicized mechanisms to report violations, with protections in place for confidentiality and non-retaliation; disciplinary action for program violations and program modification to prevent similar future violations; and ongoing risk assessments. Further guidance, as well as the specific commentary and language issued by the Sentencing Commission, can be found in **Appendix A** to this report.

Accordingly, our approach sought to determine whether basic initiatives with respect to each of these new categories are present in the Diocese's Compliance Program. It is important to note that the Guidelines also have an overarching requirement, namely that an organization exercise "due diligence" to ensure that its program "generally will be effective." Therefore, our approach goes beyond compiling an inventory of basic activities and incorporates practices that companies with relatively mature compliance programs have generally found to correlate with effective compliance management. However, there are no "hard and fast" rules in this regard, and no single approach is necessarily appropriate for every organization. Thus, KPMG has taken into consideration the Diocese's particular needs and operating environment in assessing the design of its Compliance Program.

While KPMG's second annual program assessment continues to focus on the above industry guidance, it is designed to assess the enhancements and modifications to the Diocese Compliance Program since KPMG's initial assessment in 2005. Specifically, this assessment focuses on the Diocese's implementation of the April 26, 2006 Diocese of Manchester Action Plan (the Action Plan), which was developed to provide a comprehensive response to the recommendations contained within KPMG's 2005 program assessment report. See **Exhibit E**.

¹² Paula Desio, "An Overview of the United States Sentencing Commission and the Organizational Guidelines," United States Sentencing Commission, Page 2.



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IV. Assessment of the Diocese of Manchester's Compliance Program

A. Organizational Structure and Oversight

1. Requirements of the Agreement

In relation to the Diocese's Compliance Program, and more specifically, its organizational structure and oversight, the Agreement requires that the Diocese "maintain [its] existing Office of the Delegate for Sexual Misconduct as an appropriately-trained and easily accessible office dedicated to the handling of allegations of sexual abuse of minors."¹³ The Agreement also specifies that the Diocese shall "continue to develop, implement, and revise, as necessary, policies and protocols for preventing, responding to, and ensuring the reporting of, allegations of sexual abuse."¹⁴ Furthermore, the Diocese is required to provide copies of its policies and protocols to the Attorney General on an annual basis, or as otherwise requested by the Attorney General.

2. Industry Guidance

In establishing an effective compliance program, the Guidelines, and specifically the amendments thereto, emphasize that organizations must not only "exercise due diligence to prevent and detect criminal conduct," but also "otherwise promote an organizational culture that encourages ethical conduct and a commitment to compliance..."¹⁵ According to the excerpt, this type of due diligence and promotion of a desired organizational culture can be evidenced through the fulfillment of the seven minimum requirements, "which are the hallmarks of an effective program..."¹⁶

Specifically, the Guidelines require the development of compliance standards and procedures to prevent and detect criminal conduct, which according to Application Note 1, are further defined to include the establishment of "standards of conduct and internal controls that are reasonably capable of reducing the likelihood of criminal conduct."

Secondly, the Guidelines require the assignment of "overall responsibility to oversee compliance" to a specific "high-level" individual within the organization. This individual is charged with not only being "knowledgeable about the content and operation of the compliance and ethics program," but also "exercis[ing] reasonable oversight with respect to the implementation and effectiveness" of the program.¹⁷ The Guidelines make clear that while operational responsibility may be delegated, "ultimate responsibility for the program's effectiveness" must remain with the high-level individual assigned.¹⁸

¹³ Agreement at § 3.

¹⁴ Id.

¹⁵ U.S. Sentencing Commission, Guidelines, §8B2.1 (Nov. 2004)

¹⁶ *Excerpt from the U.S. Sentencing Commission Amendments to the Organizational Sentencing Guidelines*, at Page A-2.

¹⁷ Id.

¹⁸ Id.



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In delegating day-to-day responsibility, the Guidelines require that the individual to whom such responsibility is given: (1) report to organizational leadership and the program's governing authority at least annually and (2) be given adequate resources, appropriate authority, and direct access to the governing authority or an appropriate subgroup of the governing authority.¹⁹

3. Program Overview

a. Policies and Procedures

Since the 2005 program assessment, and after solicitation of commentary from diocesan parishioners, parishes, schools, the Safe Environment Council, Safe Environment Coordinators, and the Diocesan Review Board, the Diocese has redrafted its *Promise to Protect, Pledge to Heal: The Protection of Children and Young People – Policies and Procedures* (the draft *Policy*). The draft *Policy* is scheduled to become effective March 19, 2007.

b. Organizational Structure and Oversight

Since the 2005 program assessment, the Diocese has continued its efforts to enhance the effectiveness of its Policy through the development of various formal and informal processes (i.e., its Compliance Program).

Appropriately, Bishop McCormack continues to retain ultimate responsibility for the Diocese's Compliance Program. To assist him with the Program's implementation and his oversight thereof, he continues to rely on several subgroups, each designed to serve a unique function under the Program. These include: an Office for Ministerial Conduct, a Diocese Review Board, an Office for Healing and Pastoral Care, and a Safe Environment Council as well as Safe Environment Coordinators. Described below are the key enhancements (if applicable) to each subgroup since KPMG's initial program assessment in 2005.

1. Office for Ministerial Conduct

In addition to the continued support provided by the Delegate and Associate Delegate, in March 2006, the Diocese hired a full-time diocesan Compliance Coordinator (CC) who is accountable to the Bishop and supervised by the Delegate for Ministerial Conduct. This position is responsible for assisting in the implementation and ongoing oversight of diocesan policies, including but not limited to the *Promise to Protect, Pledge to Heal: Policy for the Protection of Children and Young People*. The CC's job description identifies the following duties:

- (1) Traveling to parishes and schools throughout the Diocese to determine compliance with diocesan policies and address noncompliance issues
- (2) Conducting training and otherwise assisting parish and school staff members and safe environment coordinators in implementing diocesan policies
- (3) Preparing written reports of findings resulting from visitations to parishes, Catholic schools, and other institutions

¹⁹ Id.



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- (4) Presenting applicable summaries of findings and reports to the Bishop of Manchester and Diocesan Review Board
- (5) Completing projects and assignments as directed by Delegate for Ministerial Conduct
- (6) Working with Diocesan Review Board and Safe Environment Council to improve safe environment programs and procedures
- (7) Reporting directly to the Bishop in those instances in which the Coordinator believes that there is a significant disagreement with the Delegate as to the implementation of and adherence to diocesan policies.

The CC's credentials include, but are not limited to: a Masters of Arts in Education from Riviera College; a Bachelor of Arts from Worcester State College, Summa Cum Laude; 20 years with the Massachusetts Department of Social Services – including 10 years conducting investigations of abuse and neglect, and she was previously with New Hampshire Department of Education as an investigator of Special Education plans and school compliance.

The Diocese also recently created a full-time Safe Environment Assistant position, responsible for assisting the CC. This position's primary responsibilities are to: maintain the Safe Environment Database (SE Database); conduct training and provide guidance and assistance to Church Personnel²⁰ charged with implementing the Program's screening requirements; tracking and retaining background screening and training records; and providing reports to the CC regarding the same.

In addition, the Diocese retained a Certified Public Accountant with previous audit experience to manage the implementation of the diocesan Action Plan. In addition to this consultant, the Diocese retained several independent contractors to perform site visits at each of diocesan camps, schools, and parishes over the past several months. A full description of these visits is provided in Section C. 1. c. below.

2. *Diocesan Review Board*

While the roles and responsibilities of the Diocesan Review Board (the DRB) are now addressed in a single section of the draft *Policy*, KPMG has been advised that no substantive changes have occurred with regard to the DRB itself since the 2005 program assessment.

3. *Office for Healing and Pastoral Care*

KPMG was advised that there have not been any changes to the Office for Healing and Pastoral Care since the 2005 program assessment.

²⁰ For purposes of this report and the Diocese's Compliance Program, Church Personnel is defined as including: all clerics (bishops, priests, and deacons); members of religious institutes; lay employees and volunteers, whether serving the Diocese, a parish, school or camp. This includes personnel identified under the Agreement as "diocesan Personnel." See draft *Policy* at Page 4, Section D.

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4. Safe Environment Council and Safe Environment Coordinators

While KPMG was advised that there have not been any changes to the Safe Environment Council since the 2005 program assessment, it should be noted that the Diocese has attempted to identify a Safe Environment Coordinator for each parish, school, and camp with substantial, albeit not complete, success.

4. Findings

a. Policies and Procedures

1. In accordance with its Action Plan, the Diocese has revised the *Promise to Protect, Pledge to Heal: Policy for the Protection of Children and Young People* and provided the New Hampshire Attorney General's Office with a draft for comment.
2. In its revised state, the draft *Policy*, explicitly and appropriately, assigns oversight responsibility and enforcement of the Program to the Bishop as ultimate overseer of the Diocese's Compliance Program.²¹
3. The draft *Policy* contains defined roles and responsibilities for all Program participants. While the roles and responsibilities maintained in specific job descriptions offering additional detail are not distributed to all Church Personnel, the improved level of detail contained within the draft *Policy* will allow for greater understanding in relation to specific roles and responsibilities and hence improve overall accountability.
4. While the draft *Policy* details the reporting requirements of adults under New Hampshire law, the language restricting application of the *Policy*²² solely to Church Personnel may inhibit individuals not considered Church Personnel from reading the entire draft *Policy* and thus, understanding the reporting requirements, mechanisms, and available resources.
5. The draft *Policy* appropriately states that the Office of Ministerial Conduct "shall administer this *Policy* and all relevant diocesan policies on sexual abuse, sexual exploitation, sexual harassment, and inappropriate conduct of a sexual nature involving minors."²³ It does not, however, define the term "inappropriate conduct" or refer the reader to the *Serving Christ, Serving Others Code of Ministerial Conduct (Code)*. While the Preamble to the draft *Policy* references the *Code*, it merely states that the document "sets forth additional standards for behavior for all who minister in the Church," rather than identifying it as a source document detailing the protocols for handling situations involving inappropriate conduct.
6. The review of the diocesan policies dealing with sexual abuse, sexual exploitation, sexual harassment, and inappropriate conduct involving minors has been changed in the draft *Policy* from being required every **two years** to being required only every **four years**.

²¹ draft *Policy* at p.7 Section IV.A.1.

²² draft *Policy* at p.3 Section I.

²³ draft *Policy* at p. 9.C.2



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7. The draft *Policy* does not define the following terms, which may hinder the Diocese's ability to monitor compliance and measure accountability:

"appropriate disciplinary action" (at p 3)
 "inappropriate conduct" (at p 9, 10)
 "administrative leave" (at p 11)
 "particular restrictions" (at p 19)
 "regular intervals" (at p 20)
 "regular compliance audits" (at p 20).

b. Organizational Structure and Oversight

1. While the Bishop has delegated day-to-day oversight of the Program to the Delegate and Associate Delegate, he appears to remain knowledgeable about the status of the Program by receiving weekly verbal updates²⁴ from the Delegate. In addition, since April 2006, the Bishop has been receiving monthly written reports detailing key performance indicators as measures of the Program's effectiveness (i.e., degree of compliance). These reports contain specific details relating the tasks accomplished in relation to the Action Plan, as well as, specific program compliance metrics for each school, parish, or camp, including the identification of any challenges encountered.
2. The Bishop, through the Office for Ministerial Conduct, has enhanced program oversight and enforcement of the *Policy* at the parish and school level, albeit through self-reporting in most cases. As noted above, the diocesan Compliance Coordinator provides the Bishop and the Diocesan Review Board with monthly reports detailing the Program's ongoing efforts to ensure that all Church Personnel who work with minors are identified and "compliant" with the Program's training and screening requirements.
3. Appropriately, and according to the CC, she meets weekly with the Associate Delegate and was advised that she maintains the authority to escalate issues either within the administration or to the Bishop if necessary.
4. The Diocese appears to have substantially increased its adherence to self-identified goals and timelines. According to reports by the Office of Ministerial Conduct, the CC, and the DRB, all timelines in the Action Plan have been met and there is evidence that most of the implementation-calendar timelines as identified in the Action Plan have been met. At least one exception was noted, however, in that the file for one counselor did not include complete documentation because the CRR was not included in the file at the time of KPMG's assessment.
5. The Diocese has, over the past six months, performed site visits to all diocesan camps, schools, and parishes in an effort to fully identify all Church Personnel who work with minors and understand the level of compliance with the Program's screening and training requirements. The involvement of a potentially independent party assists in eliminating concerns about such entities making determinations as to which Church Personnel are considered to work with minors. In addition, the site

²⁴ In the case of reported allegations, such updates are provided more frequently through the Delegate's almost daily contact with the Bishop.

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visits have provided the necessary additional guidance and instruction that will allow for a more consistent, measurable, and auditable program going forward.

6. Appropriately, the Diocese appears to have taken a risk-based approach when developing its schedule for site visits to be completed by the diocesan Compliance Coordinator for parishes, diocesan schools, and camps. The Diocese schedule focused on the completion of site visits to the camps, then on schools, and finally on the parishes.
7. The Diocese continues to be overly reliant on the schools/parishes/camps and their assigned Safe Environment Coordinators to self-report compliance as opposed to verifying compliance through evidentiary means with both Agreement and *Policy* requirements such as screening forms, acknowledgement forms, and sex offender registry checks. The diocesan site visits performed failed to examine or test documentation supporting compliance (e.g., printouts of checks of the sex offender registry, evidence of signed acknowledgement forms, etc.) (See Section IV. C – Program to Prevent below for additional details).
8. As with last year, all individuals interviewed and participating in the diocesan Compliance Program expressed an understanding of the importance of, and their commitment and dedication to, the success of the Program and the safety and welfare of the minors and parishioners. Based upon specific enhancements to the Program, and as a direct result of the implementation of its Action Plan, there appears to be a greater appreciation for how to achieve an effective compliance program at both the diocesan and Parish levels.
9. The Program has been enhanced through greater oversight and more formal accountability. The Diocese has adopted formal written job descriptions for the Delegate, the Associate Delegate, and the diocesan Compliance Coordinator. These job descriptions detail each position's specific roles and responsibilities under the Program.

The Diocese has also implemented a new program of Performance Evaluations which was slated to begin in July 2006 for all Cabinet Secretaries and diocesan Directors. Although the announcement memorandum indicates that these evaluations 'are different' in that they will not tie performance to promotions or salaries, it is an opportunity for the Diocese to continue to increase accountability through the assessment, discussion, and documentation of performance against job descriptions, expectations, goals, and timelines.



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10. During KPMG's encounter with the Delegate, it was not evident that there was acceptance or commitment to cooperation with a process designed to audit compliance with the Agreement through detailed assessment of the programs condition and progress, as was found among other members of the Diocese of Manchester in senior positions related to the Program. There appeared to be a reticence to answer some questions, as well as either a misunderstanding or disregard for terms describing commonly accepted practices such as 'self-reporting' and 'testing for verification,' as well as the suggestion that there was no risk of a priest not being removed timely.

In response to a question by KPMG whether there was an additional risk if someone was not removed immediately and stayed in their position longer the Delegate replied "*I don't think the risk exists.*" However, it should be noted that Priest A identified in KPMG's 2005 report represented an example where a priest was relocated rather than immediately removed from contact with minors, despite the identification of potentially inappropriate conduct.

11. Based on the current DRB membership composition and apparent operating framework as a quasi-independent advisory group reporting to the Bishop, consideration should be given to making this body more independent, more empowered and in some way, at least partly accountable for the Program's effectiveness. One observation offered by an SEC interviewee was that his/her understanding is that the DRB's role is to provide advice and oversight. He/she believed that the DRB should be providing feedback to the SEC in terms of things that need to be accomplished, but it was not evident to him/her that such guidance was forthcoming.
12. The responsibilities of the DRB previously included a regular compliance audit of the Office for Ministerial Conduct and a report to The Christian Faithful regarding the compliance audit, the work of the Office for the Delegate, and the DRB. However, the draft *Policy* no longer requires the DRB report to the Christian Faithful to address the DRB's own efforts.

5. Recommendations for Program Enhancements

- a. The Diocese should consider adding language to the draft *Policy* that encourages all Parishioners to familiarize themselves with the *Policy* and *Code* and understand their role in achieving a safe environment for minors.
- b. The Diocese should consider placing further emphasis within the draft *Policy* on the *Code* as a mechanism for identifying and reporting inappropriate conduct, which may represent precursor warning signs of potential sexual misconduct that if detected in its earliest stages would assist in preventing sexual abuse of minors.
- c. The Diocese should continue to conduct a review of the *Policy* every two years as previously scheduled to ensure that it is adaptive and responsive to any changes needed for the protection of children and minors.
- d. To ensure greater understanding and accountability, the draft *Policy* should provide definitions for the following terms:
 - "appropriate disciplinary action" (at p 3)
 - "inappropriate conduct" (at p 9, 10)
 - "administrative leave" (at p 11)
 - "particular restrictions" (at p 19)



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“regular intervals” (at p 20)
 “regular compliance audits” (at p 20).

- e. The Diocese should develop a camp specific process to ensure that all employees and volunteers have completed all screening and training requirements prior their involvement with minors.
- f. The Diocese should modify its Program to avoid reliance on self-reporting relating to compliance. As part of its ongoing compliance and monitoring of the program, the Diocese should require the retention of documentation supporting all screening requirements. Such retention should be tested through review of physical documentation on a regular basis and as part of the Program’s ongoing oversight and annual audit.
- h. The Diocese should consider addressing adherence to the Policy and associated Protocols, Action Plans, and the like in the newly implemented Performance Evaluation Program, allowing for the enforcement of the Program’s mandates through appropriate disciplinary measures against individuals, parishes, schools, or camps that do not meet their obligations under the Program.
- g. The Diocese, and the Bishop in particular, should ensure that all members of his staff are fully committed to immediate compliance with the Agreement and cooperation with the audit process for the New Hampshire Attorney General’s Office and to address this during the formalized annual Performance Evaluation process.
- h. The Diocese and the DRB should conduct a joint self-evaluative process to determine whether the DRB is sufficiently accountable and responsive to the needs of the Diocesan Community, and in the absence of acceptable level of such accountability and responsiveness, develop a plan to achieve each within six months
- i. The DRB should continue to include in its report to the Christian Faithful information on its own observations, efforts, and accomplishments.

B. Mandatory Reporting and Response to Allegations

1. Mandatory Reporting Requirements

a. Requirements of the Agreement

The Agreement mandates that all Church Personnel serving in the Diocese must follow the mandatory reporting obligations (as set forth in RSA 169-C:29 to C:32) whenever they have reason to suspect a minor has been abused or neglected.²⁵ In addition to the requirements of New Hampshire State Law, Church Personnel must also report to local law enforcement (either where the incident occurred or where the suspect is currently located) if they have reason to suspect any other Diocese personnel has sexually abused a minor, even if the identity of the alleged victim is unknown or if that person is no longer a minor.²⁶ Further, the Office for Ministerial Conduct must make an immediate oral report to local law enforcement where the suspect abuse may have occurred if it has reason to suspect that an individual was sexually abused as a minor, and the alleged victim is no longer a minor, regardless of whether or not the alleged abuser is named or identified.²⁷ In addition, the Agreement, as written, requires that all Church Personnel are required

²⁵ Agreement at §2 (a).

²⁶ Agreement at §2 (b).

²⁷ Agreement at §2 (c).



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personally to make reports directly to Division for Children, Youth and Families (DCYF) and local law enforcement.²⁸

b. Industry Guidance

While as indicated above, the Diocese is required to report allegations of sexual abuse, industry guidelines also encourage organizations to voluntarily report detected misconduct.²⁹

c. Program Overview

The draft *Policy* has been updated to reflect the terms of the Agreement. Specifically the draft *Policy* requires that if the alleged victim is still a minor, Church Personnel must immediately personally report the suspicion to DCYF, to local law enforcement, and the Delegate for Ministerial Conduct. If the alleged victim is no longer a minor at the time of the report, the draft *Policy* stipulates that Church Personnel must report the suspicion to the Delegate for Ministerial Conduct.³⁰

The draft *Policy* further elaborates that the Office for Ministerial Conduct, in addition to following the reporting requirements for all Church Personnel, will also immediately make a report to the New Hampshire Attorney General's Office whenever it has reason to suspect that a minor has been sexually abused by Church Personnel.³¹

The Diocese continues to maintain its Office for Ministerial Conduct as a centralized location for receipt of calls relating to its Program, including the reporting of allegations and has included the contact information for the OMC within the draft *Policy*. The Diocese has also developed the protocol entitled: *Civil Report Procedures: Release 1.0 – June 1, 2006* (*Civil Report Procedures*), which specifically “summarizes the flow of communications and documents regarding reports of alleged sexual abuse of a minor by Church personnel.”

According to the diocesan documentation provided, the Diocese received 14 complaints of alleged abuse between June 1, 2005 and June 30, 2006. The Diocese provided e-mail evidence that all 14 complaints had in fact been referred to the New Hampshire Attorney General's Office.

Two of the allegations were related and resulted in the placement of one individual on “precautionary administrative leave.” Of the remaining 12 allegations, five identified Church Personnel who are deceased, three involved individuals who had already been separated from the Church, two involved persons which the victims could not identify, and the remaining two involved allegations more than 20 years old, against a Brother who was not and was never considered part of the Diocese of Manchester.

²⁸ Agreement at §2 (a) and 2 (b). See discussion of change to Agreement in Section C- Program Overview.

²⁹ U.S. Sentencing Commission, Guidelines, §5.K.216.

³⁰ draft *Policy* at p. 15.

³¹ draft *Policy* at p. 15.



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d. Findings

1. The diocesan files continue to evidence contacts between diocesan attorneys and the New Hampshire Attorney General's Office, demonstrating an apparent open and ongoing communication between the parties.
2. While Section 2 of the *Civil Report Procedures* describes the process for handling a report from anyone to the Director of the Office for Healing and Pastoral Care, the Delegate, Associate Delegate, and the associated documentation to be completed, completion timelines are not identified for each step in the notification process.
3. The Office for Ministerial Conduct has developed a procedure to internally reconcile its records, forms/spreadsheet of incoming reports and completed such a reconciliation in July 2006. KPMG was provided documentation of the steps undertaken to accomplish that reconciliation. As a result, and according to the documents provided to KPMG, the Office for Ministerial Conduct determined that all reports during the period December 10, 2002 to June 30, 2006 were reconciled.
4. The Office for Ministerial Conduct has also modified its procedures and now performs reconciliation with the New Hampshire Attorney General's Office of the reports it receives and files it has filed with them to ensure all reports are being appropriately handled. The Diocese provided KPMG with 2006 1st and 2nd quarter reconciliation reports which reflected a match in the number of referrals sent to the New Hampshire Attorney General's Office.

The process of reconciling reports appears to have resulted in a dialogue between the New Hampshire Attorney General's Office and the Diocese regarding two instances which had initially been reported to the New Hampshire Attorney General's Office and then subsequently left-off the reconciliation list by the Diocese. The New Hampshire Attorney General's Office provided the Diocese with correspondence that indicated that it agreed with the Diocese's explanation of why the incidents were removed from the reconciliation list. This dialogue shows that both offices are attempting to be thoughtful and diligent in their reporting and shows positive communication.

e. Recommendations for Program Enhancements

1. The Diocese should revise and update the *Civil Report Procedures* to incorporate specific timeframes for each step in the notification and reporting process. The revised policy should be distributed widely, and key recipients should acknowledge their receipt and understanding of their specific roles and responsibilities.
2. According to the Action Plan, the CC will reconcile reports internally on an annual basis. The Diocese could consider making this a semiannual or quarterly process to provide continued assurance that no reports could be overlooked.



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2. *Response to Allegations*

a. Requirements of the Agreement

The Agreement requires that, when the Diocese receives a complaint of sexual abuse, it will ensure that, “upon receipt of an allegation and pending resolution of the allegation, the alleged abuser will be removed from any position in which there is a possibility for contact with minors.”³² In addition, the Agreement provides that once a report has been filed with the proper authorities, the Diocese will cooperate completely in the investigation, supplying any and all information or documents relating to the alleged abuser in its possession.³³

b. Industry Guidelines

The Federal Sentencing Guidelines provide that organizations take corrective action when allegations are substantiated, which typically includes disciplining those who bear responsibility for the offense, remedying the harm caused by misconduct, and taking steps to prevent and detect similar violations in the future. It is also of note that the Guidelines give weight to voluntary disclosures to the government, leaving the potential for a reduction in sanctions for an organization that discloses violations and cooperates with enforcement authorities.

c. Program Overview

1. *Investigations and Internal Reporting*

Although the Agreement does not require any explicit investigative requirements of the Diocese in relation to allegations of reported abuse, the Diocese has adopted its own procedures for handling its internal investigation of such allegations. The draft *Policy* states that the Diocese will investigate all complaints regardless of how the Diocese becomes aware of the complaint (i.e., through a formal complaint or by some other means) and that such investigations will be conducted in accordance with protocols developed for addressing such complaints.³⁴ Further, the draft *Policy* states that internal investigations must be conducted by individuals appropriately trained to conduct such investigations.³⁵

Similarly, the *Code* provides procedures for handling the investigation of allegations of inappropriate conduct to include unethical behavior and/or violations of the *Code* itself.

The Diocese, with the assistance of its independent contractor investigators, has developed a draft *Investigative Protocol for Allegations of Sexual Abuse of Minors*, (dated May 1, 2006) which, according to the Diocese, is currently being reviewed by a canonical expert and represents the Diocese’s current practices.

³² Agreement at §2.f.

³³ Agreement at §2.e.

³⁴ draft *Policy* at Page 11, §I.A.

³⁵ draft *Policy* at Page 11, §I.B.



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Since KPMG's initial program assessment, the Diocese has continued to work with a retired federal agent to investigate and conduct interviews regarding any reports of alleged abuse. The investigator conducts an independent review of the allegations and interviews the victim often in the presence of the Director of the Office of Healing and Pastoral Care.³⁶ The diocesan investigator reports the results of his investigation to the Delegate's Office which provides redacted copies of his report to the DRB, which will then evaluate the case and assist the Bishop in his "assessment of [the] allegations" and "his determination of suitability for ministry" of the accused.

2. Remedial Actions Against Accused

The draft *Policy* states that if an accusation of sexual abuse of a minor is either admitted to or it is established after an appropriate investigation that even a single act of sexual abuse has occurred, the individual accused will be permanently removed from any ministry.³⁷ In the case of members of religious institutes and lay employees and volunteers, removal shall be from ministry as well as employment or service in the Diocese. If the penalty of dismissal from the clerical state has not been applied, the accused shall be required to lead a life of prayer and penance. The draft *Policy* further states that "the Diocese will not permit any priest or deacon incardinated in the Diocese known to have committed an act of child abuse to be transferred for ministerial assignment to another diocese/eparchy. The Diocese will not permit such priest or deacon to be transferred for residence without having forwarded, in a confidential manner to the local bishop/eparch, any and all information indicating that he has been or may be a danger to children or youth."³⁸

When an allegation proves to be unfounded, the draft *Policy* requires that the Diocese notify the complainant and communities affected by the decision in an "appropriate time and in an appropriate manner" and work to restore the good name of the accused as soon as possible.³⁹ As indicated above, the Diocese received several allegations which, upon further review and investigation, appeared to have been baseless. Nonetheless, the Diocese reported the allegations to the New Hampshire Attorney General's Office for its consideration. According to the Associate Delegate, the Attorney General agreed with the Diocese's assessment and decided not to pursue the matters.

The Delegate indicated that an affected pastor/principal is responsible for ensuring that individuals accused of allegations of abuse are removed from contact with minors and there is a process where by confirmation of the removal of those non-cleric employees and volunteers is provided to the Associate Delegate by the parish.⁴⁰

³⁶ Attorneys for both the victim and Diocese are also present, if such counsel has been retained.

³⁷ draft *Policy* at Page 13, §I.A.

³⁸ draft *Policy* at Page 13, §I.A.5

³⁹ draft *Policy* at Page 14, §II.A & B.

⁴⁰ This appears to be consistent with the revised *Screening and Training Protocol*, see Section on Criminal Records Releases below.

³⁸ The Agreement, §2.f), Reporting of Allegations of Sexual Abuse



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3. Office for Healing and Pastoral Care

In addition to investigating the allegations, and in conformance with the USCCB Charter, the draft *Policy* continues to provide for the advocacy and spiritual and emotional care of alleged victims and their families. It further articulates that the Director of the Office for Healing and Pastoral Care shall be responsible for offering “pastoral care, outreach, and professional assistance to persons who report having been sexually abused, to their family members, and to parishes, schools, and other diocesan institutions affected by the complaints of child abuse.”

d. Findings

1. In contrast to the terms of the Agreement, the draft *Policy* does not explicitly mandate the removal of an alleged abuser from any position in which there is the possibility of contact with minors “upon receipt of an allegation of sexual abuse.”⁴¹

Rather, the draft *Policy* merely advises that “during the course of an investigation,” the accused will be “placed on administrative leave pending the outcome of the investigation.”⁴²

According to the Associate Delegate, if the Diocese is notified that a member of the Diocese (e.g., clerics, members of religious institutions, employees, or volunteers) has been accused of sexually abusing a minor, the member will be placed on administrative leave provided there is a “semblance of truth” to the allegation.⁴³ According to the Associate Delegate, the Diocese will determine if the allegation has a “semblance of truth” either at the time of the allegation or after an initial investigation. If the Diocese determines that there is a semblance of truth to the allegation, the alleged perpetrator will be placed on administrative leave until the Diocese completes its investigation.

Since the draft *Policy* fails to define administrative leave, it is unclear as to whether this will, in fact, result in the removal of the alleged abuser from “any position in which there is the possibility of contact with minors.” Furthermore, the language as currently drafted leaves the timing of such removal open to a greater period of time depending upon the length of time required to perform an investigation.

2. The draft *Policy* as written requires only the removal of individuals in relation to the sexual abuse of minors. Neither it, nor the *Code*, requires the removal from contact with minors of individuals alleged to have been involved with inappropriate conduct. Although the *Code* indicates that this is an option and a person accused of violating the *Code* **may** be placed on administrative leave while an investigation is pending.⁴⁴ For the safety of minors, it is imperative that the Diocese immediately remove from contact with minors any individual accused of sexual abuse and develop a risk-based procedure for handling allegations of inappropriate conduct.

⁴² draft *Policy* at Page 9, §I.

⁴³ *Manual & Draft Protocols*, diocesan Binder II, Exhibit 14

⁴⁴ *Code* at Page 9, §III, B. (emphasis added).



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3. The draft *Policy* does not designate responsibility for the removal of alleged abusers, whether clerics or non-clerics to a specific individual or individuals. As indicated in KPMG's 2005 report, this responsibility has been left in practice to the affected pastor/principal and previously was not enforced by the Diocese, in that the Diocese does not verify that removal has occurred. Currently, the Diocese utilizes a process whereby there is written confirmation to the CC from a Principal or Pastor that individuals who have not completed the screening and training requirements have been notified that they are considered inactive and thus, cannot participate in active ministry or interaction with minors. The earliest date of such notification or correspondence was, however, September 28, 2006. It does not, appear, however, that the Diocese independently verifies the actual removal of such individuals.
4. The Diocese provided copies of 14 e-mails and referral forms pertaining to allegations of abuse received by the Office of Ministerial Conduct between June 1, 2005 and June 30, 2006. These documents reflected the communication between the Diocese and the New Hampshire Attorney General's Office of allegations received and served as evidence of ongoing discussions.
5. Since the completion of fieldwork relating to last year's program assessment⁴⁵, the Diocese has placed one member of its ministry on "precautionary administrative leave" based upon allegations it received. According to the Associate Delegate, this individual has been returned to his previous position as the allegations were determined to be "unfounded." According to the documentation observed, the case was referred to the New Hampshire Attorney General's Office.
6. As recommended, the Delegate's Office has performed a reconciliation of its files with those maintained by the Director of the Office of Healing and Pastoral Care.
7. During an October 3, 2006 interview, the CC indicated that the Diocese plans to follow-up to procure updates to the Safe Environment Database once per month with schools, and on a regular, but yet to be determined, basis with parishes.

e. Recommendations for Program Enhancements

1. The draft *Policy* should be updated to incorporate language consistent with the Agreement and the Diocese's stated practice that all Church Personnel will immediately be removed from contact with minors "upon receipt of an allegation of sexual abuse" and further that "the Diocese will ensure that, pending the resolution of the allegations, the alleged abuser will be removed from any position in which there is a possibility for contact with minors."
2. The Diocese should develop formal written policies and procedures for the handling of all Church Personnel alleged to have engaged in inappropriate conduct. Such policies and procedures should include a specific process for determining when such conduct rises to the level of requiring the immediate removal from contact with minors pending the resolution of the allegations based on the risk imposed.
3. The Diocese should verify that those individuals accused of abuse have been removed from service rather than solely relying on the pastor/principals for enforcement.
4. While the Delegate's Office has reconciled its files with those maintained by the Director of the Office of Healing and Pastoral Care, documented policies and procedures requiring this and similar exercises are undertaken on an annual basis

⁴⁵ Fieldwork for the 2005 program assessment concluded in August, 2005.

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should be developed. The formalization of this mandate will afford for continued accountability.

C. Program to Prevent the Sexual Abuse of Minors

1. Screening of Church Personnel

a. Requirements of the Agreement

As indicated above, according to its Agreement with the Attorney General, the Diocese shall continue to develop, implement, and revise, as necessary, policies and protocols for preventing, responding to, and ensuring the reporting of, allegations of child sexual abuse.⁴⁶ As part of its prevention program, the Diocese has adopted specific protocols for screening Church Personnel in an effort to prevent individuals at greater risk for abusive behavior from working with minors.

b. Industry Guidance

The Amendments to the Guidelines specifically require an organization to “use reasonable efforts not to include within the substantial authority of the organization any individual whom the organization knew, or should have known through the exercise due diligence, has engaged in illegal activities on conduct inconsistent with an effective compliance program.”⁴⁷ The notes further explain that an organization has an obligation to “consider the relatedness of an individual’s illegal activities or misconduct to the specific responsibilities such individual is expected to be assigned,” as well as to consider the recentness of such activity.⁴⁸

In addition, the USCCB has issued *Guidelines for Implementation of Safe Environment Programs*, which specifically requires employees/volunteers to undergo criminal history checks, self-disclose allegations of abuse, and a check of references.

c. Program Overview

Screening and Training Protocol

According to the Diocese’s current draft *Policy*, adult Church Personnel⁴⁹ who regularly work with minors and clerics assigned to ministry by the diocesan bishop who serve in supply ministry in the Diocese of Manchester must undergo background checks, “based on the levels of risk for child abuse in the church positions they fill.”⁵⁰ The standards for such screening are contained within the *Diocese of Manchester Screening and Training Protocol for Church Personnel*, which was updated May 1, 2006 (*Screening and Training Protocol*). These standards apply to all clerics, seminarians, employees, and volunteers hired or beginning their ministry after May 1, 2006.⁵¹ Those hired or who began their

⁴⁶ Agreement at §3.

⁴⁷ U.S. Sentencing Commission, *Guidelines*, §8B2.1(b)(3) (November 2004).

⁴⁸ Id. at *Application Notes*.

⁴⁹ Volunteers under the age of eighteen are not subject to the Reporting Requirements for Church Personnel, the Screening of Church Personnel, or the Training of Church Personnel. However, they are expected to comply with the Standards for Working with Minors listed in the Policy.

⁵⁰ draft *Policy* at Page 6, §I.

⁵¹ *Screening and Training Protocol* at Page 1.



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ministry before May 1, 2006, and who regularly work with minors as defined in this protocol must comply with the screening requirements in effect between March 19, 2004 and May 1, 2006.⁵²

According to the *Screening and Training Protocol*, all clerics are required to complete the *Screening Form for Clerics, Religious and Persons in Ecclesiastical Studies*, as well as undergo a state criminal records check, and a check of the National Sex Offender Registry.⁵³ Current parish and diocesan employees who work with minors, including all employees of the diocesan administration of the Diocese of Manchester, are required to complete the *Diocese of Manchester Applications*, as well as undergo a state criminal records check,⁵⁴ and a check of the National Sex Offender Registry.⁵⁵

The *Screening and Training Protocol* also provides completion deadlines on a going-forward basis (i.e., screening requirements must be complete within 30 days of hire of beginning volunteer service as well as 14 days to provide any updates to criminal record information should changes occur).⁵⁶

Safe Environment Database

In March 2004, in accordance with its *Policy*, the Office for Ministerial Conduct began development of an Access database to track adherence to the screening requirements for all diocesan Church Personnel. The SE Database is designed to track all levels of Church Personnel, identifying completion dates for screening forms, criminal record searches, sex offender registry searches, and training. The Diocese has made numerous modifications to the Safe Environment Database since KPMG's 2005 program assessment. Such enhancements include:

- development of improved reporting capabilities derived from the system data
- the addition of a 'Pending' category to track individuals who have initiated screening and training requirements but have not completed them
- efforts to create internet access to the Safe Environment Database to enable more regular and potentially continuous updating at the parish, school, camp level.

⁵² *Screening and Training Protocol* at Page 1. The screening requirements in effect between March 19, 2004 and May 1, 2006 are described within KPMG's 2005 program assessment report.

⁵³ *Screening and Training Protocol*, at Page 3. (May 2006 Version 2.0)

⁵⁴ *Screening and Training Protocol*, at Page 4..

⁵⁵ *Screening and Training Protocol*, at Page 4-5.

⁵⁶ *Screening and Training Protocol* at Page 9.



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Diocesan Site Visits

The Diocese, through its CC, implemented a process in the spring of 2006 whereby site visits were performed first at both diocesan camps, then at all 25 schools, and finally, at all parishes.

The Diocese developed a site reviewer's handbook with instructions regarding the process and goals, and retained independent contractors to assist with the site review process. The site visits were scheduled in advance and the site reviewers met with the SE Coordinators and/or pastors/principals/directors. Upon completion of the site review process, the Safe Environment Coordinator and pastor/principal/director were asked to sign a "verification form" which was intended to certify that the Safe Environment Database list of employees and volunteers was comprehensive.

According to the Action Plan, the Diocese planned to perform site revisits to verify "continued compliance" and will include determining whether there is any missing documentation. While the site revisits indicate to test for: signed acknowledgement forms, signed application/screening forms, evidence of sex offender registry check, evidence of criminal record check, and evidence of attendance at PGC,⁵⁷ the focus of the revisits was to be continued compliance, not initial compliance, which should have been addressed during the initial site visits.

Although KPMG was originally advised on October 18, 2006 that a draft protocol for the revisits was underway, and despite several requests, a finalized draft Safe Environment Review Program was only provided for KPMG's review on November 16, 2006.⁵⁸

1. *Criminal Records*

The Diocese's revised *Screening and Training Protocol* details the process by which criminal record searches will be performed.⁵⁹ Notarized authorization forms are forwarded by the appropriate entity (parish, school, camp) to the Office for Ministerial Conduct.

While the *Screening and Training Protocol* only requires a criminal record check to be performed at initiation of the personnel relationship, it does require that all individuals subject to the screening requirements are required to update the information contained in the screening and application forms and criminal history information within 14 days of any change.⁶⁰

According to the *Screening and Training Protocol*, the Office for Ministerial Conduct will send confirmation to the appropriate entity (parish/school/camp) whenever it receives confirmation from the New Hampshire State Police that an applicant's CRR reported no criminal history.⁶¹

⁵⁷ Action Plan at p.3, Section 13e.

⁵⁸ The program or procedure was first mentioned by Mr. Boivin during his interview on October 18; however, the document was described as a draft and KPMG was advised that it could not see it until it was finished. After further requests and explaining that if KPMG could not verify its existence by review that it would not be considered to exist; Mr. Boivin agreed that it did not exist. As noted above KPMG was finally provided a copy which appears to be a draft.

⁵⁹ *Screening and Training Protocol* at Page 9.

⁶⁰ *Screening and Training Protocol* at Page 8.

⁶¹ *Screening and Training Protocol* at Page 10.



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For all cases where a criminal history is identified, the Office for Ministerial Conduct reviews the matter to determine the severity of the offense in accordance with predetermined categories of severity and procedures proscribed by the *Screening and Training Protocol*.⁶²

Thereafter, in cases where activity is deemed to fall within Categories “A” or “C”, the Office for Ministerial Conduct notifies the applicable entity (parish/school/camp) in writing as to whether or not an individual is eligible for ministry in any position regularly working with minors.

Following this process, the Safe Environment Database is updated with one of the following designations: eligible; ineligible; or restricted. A letter is then sent to the pastor, principal, and director (as appropriate) notifying him or her of the designation assigned.⁶³

2. *Screening Forms*

As part of its prevention program, the Diocese requires that all employees and volunteers must sign an application form. The application form requests that the applicant self-disclose if they were ever investigated by the DCYF, accused or convicted of any sexual abuse, and/or been subject to any court order involving allegations of “sexual, physical or verbal abuse of a minor.”⁶⁴

Parishes, schools, camps (or if applicable, the Diocese) obtain applications from their respective parish employees/volunteers. If an application indicates that the applicant has a criminal record or has been found to have sexually abused a minor, the form must be forwarded to the Office for Ministerial Conduct. The Office for Ministerial Conduct will review the forms and determine which category the offense falls into and will process the forms accordingly.⁶⁵

3. *Sex Offender Registry*

The Diocese has created new protocols to provide guidance on the performance of checks of the National Sex Offender Registry, as required by the *Screening and Training Protocol*. The protocol identifies the site [www/.www.nsopr.gov] and indicated that the terms and conditions should be accepted, the search should be conducted by selecting the “National Search” box. The search is then to be performed using the individual’s last name and first initial. If the name is very common then other criteria may be used such as full first name a date of birth or review of the photo. The instructions are to annotate the date of the search on the parish/school safe environment list indicating the completion of the sex offender registry check.

⁶² *Screening and Training Protocol* at Page 9.

⁶³ *Screening and Training Protocol* at Page 12.

⁶⁴ Diocese of Manchester, Screening Form for Volunteers and Current Employees, March 2004, p. 2.

⁶⁵ *Screening and Training Protocol* at Page 9, Section 2



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d. Findings

General Program

1. As indicated above, the Diocese has made numerous enhancements to the Safe Environment Database it designed to track compliance with its screening and training protocols. Moreover, further enhancements are expected that will allow the parishes, schools, and camps Web-secured access to the Safe Environment Database, thereby improving communication throughout the Diocese. However, there is no formal mechanism to record and track the resolution of issues or noncompliance matters.
2. The diocesan screening and training program continues to have limitations which preclude its effective use. For example, the Safe Environment Database does not have specific definitions for the categories: "Active," "Pending" and "Inactive," which prevents consistent categorization and therefore tracking of individuals employed by the church or involved with church activities.

Further, the Safe Environment Database does not record a "Start Date," "Date of Hire," or other date signifying the date on which an individual began working with, or interacting, with minors. Site visits by KPMG revealed that such a particular date was rarely available and was occasionally guessed at. Without incorporation of such data into the Safe Environment Database, it will be nearly impossible to determine whether compliance with specific and critical timelines identified in the *Screening and Training Protocol* is being met.

3. The *Screening and Training Protocol* as currently drafted does not provide for periodic, recertification of screening requirements (e.g., re-performance of a criminal records check every three years; recheck of National Sex Offender Registry, etc.)
4. A particular case exemplifies appropriate enforcement of the *Screening and Training Protocol*. As related to KPMG, the SEC for St. Patrick's found that the various screening forms were either submitted to the parish incomplete, incorrectly, or not at all by leadership members of two Boy Scout troops. Therefore, despite repeated efforts to obtain cooperation and the appropriate forms, the Pastor appropriately terminated the Parish's affiliation with both of the Scout troops. On the other hand, according to the Associate Delegate, the *Screening and Training Protocol* is not applied to groups or individuals who are using diocesan school property, such as the Girl Scouts or a tutor. In the case of the tutor, the individual was hired by parents of diocesan school children and was given access to a classroom in one of the diocesan schools to tutor those children. In this specific case it was decided by the Associate Delegate that the tutor was not covered by the policy and therefore did not undergo screening, which appears inconsistent with the screening and training protocol and the specific example cited above.
5. The diocesan site visit program did not include a consistent or standardized testing of information on the Safe Environment Database by reconciling it to documentation in the files at each site. For example, at the parish level the Diocese failed to follow its own protocols relating to review of documentary evidence verifying the actual completion of screening program requirements. In particular, the training program for the individuals performing the site visits indicated that documentation would be required to support that checks of the National Sex Offender Registry had been performed, as well as for Criminal Record Results and PGC Training. At the schools,



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some files were reportedly tested and checked but again that process was not standardized or documented. The camp files were reportedly tested and checked to determine whether there was backup documentation for the information listed on the Safe Environment Database, but again there was no documented record of that procedure.

During an interview performed by KPMG, a Safe Environment Coordinator indicated that the diocesan auditors did not test or check any of her files to see whether there were the forms which documented that the screening requirements had been done. This was further confirmed during interviews with the CC and CPA Consultant hired to perform the site visits. Later, the Diocese advised that it intended to perform such testing during Phase II of its site visits. This does not, however, appear to comport with the Action Plan, which calls for review of "continued compliance" rather than initial compliance, as part of the second reviews.

The importance of obtaining such documentary evidence can be drawn directly from the Bishop's personal comments that "[he] would like to see that people continually have a deeper appreciation of the deceptiveness of predators, the vulnerability of children, the damage that it brings, and their responsibility to take steps to ensure their [children's] protection."

The issue was further highlighted by a letter from the Attorney General to the Diocese dated June 15, 2006, in which it is made clear that "reliance exclusively on self-reporting... is inadequate to ensure compliance," specifically in response to the Action Plan's intention to "compare records from the parishes, schools, and camps with Diocesan databases." A copy of the Attorney General's letter is attached hereto as Exhibit F.

6. Some of the verification forms bore dates prior to the CC actually identifying "100% Compliance." When questioned, it was discovered that some of the verification forms were obtained during the initial site visit rather than after the parish/school/camp actually attained "100% Compliance," which may call into question the veracity of the figures being reported. In addition, the Associate Delegate, although responsible for oversight of the program, indicated that she was not familiar with the process for the completion of the 'Verification Forms' and had not heard that some might have been signed prior to the completion of the site visits.
7. The CC indicated that the current method to track or monitor deficiencies identified through site visits, their follow-up, escalation, or completion as part of a coordinated quality assurance program is not formalized or consistent at this stage.

KPMG Site Visits

KPMG conducted five site visits which included a high school, a preschool, a camp, and two parishes during the weeks of November 6th and 13th.

The primary goals of the site visits were to evaluate whether all individuals who are working with minors had been properly identified and screened and trained in accordance with Diocese's *Screening and Training Protocol*; whether information in the SE Database corresponds to the information (dates) at the particular site; and whether there was the appropriate backup documentation of adherence to the



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Protocol.

Overall the efforts of the Safe Environment Coordinators were reflected by their knowledge of the screening and training requirements, good organization of the files, and familiarity with the SE Database. There was clearly a commitment at the sites to strive for a completely safe environment for children through the application of the *Screening and Training Protocol*. However, a physical review of 71 diocesan files at various schools, parishes, and entities for active employees and volunteers revealed various shortcomings.

8. The SE Database lists reviewed contained two dates. One date was listed as the “as of date” but this was actually an automatically generated “print date” and not the date of the latest update or revision(s) to the document. The second date was the “printed date” and was therefore the same as the aforementioned date. The SE Database list should have a manual date field to reflect when it was last updated.
9. There were two files (3%) that were missing application screening forms
10. There were numerous instances of conflicting dates:
 - 28 files (39%) contained signed CRR authorizations but had no record of CRR completion in the file (NOTE: we were told that CRRs are held at the Diocese, so this may not be a real variation)
 - 12 files (17%) contained a CRR authorization form signed by the applicant that corresponded to the date entered into the SE Database. This date appeared to indicate when the authorization form was signed, not when it was completed
 - 2 files (3%) contained PGC certifications that did not match the date entered into the SE Database
 - 17 files (24%) contained acknowledgement forms whose dates did not match the date entered into the SE Database
 - 10 SE Database entries (14%) contained CRR dates that preceded the date the CRR authorization form was signed by the applicant; it was unclear why/how this could occur.
11. None of the sites contained any evidence of their National Sex Offender Registry checks. For example, there were no screen prints of the searches conducted or the results. There were, in some cases, handwritten notes on a screening or other form that a check was done on a particular date. According to the Diocese’s Action Plan 13 e, the CC will be conducting site revisits to verify continued compliance and will be checking for, among other things, “evidence of sex offender registry check.”
12. At the high school and camp, the contracts for contractors did not contain or make reference to the required background screening and training language in the updated *Protocol*. At the high school, the contract that was signed in 2005 contained the language from the previous *Protocol*. It appears, however, that when the contract was renewed on May 15, 2006, the 2006 contract renewal did not contain the language from either the previous or the revised *Protocol* relating to background screening.



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13. The majority of sites did not consistently maintain evidence of attendance at a PGC workshop, as the Safe Environment Coordinators were under the impression that that evidentiary documentation is maintained at the Diocese. However, according to the Diocese's Action Plan 13 e, the CC will be conducting site revisits to verify continued compliance and will be checking for, among other things, "evidence of attendance at *Protecting God's Children*." Therefore, there seems to be lack of clarity and potentially conflicting information regarding which records are to be kept where.
14. The SE Coordinator at a Parish in Nashua maintained a separate list containing the names of 37 individuals, some of whom were also on the SE Database 'active' list and 19 corresponding files for individuals who were interacting with children at, or through parish activities, who had not been entered into the Safe Environment Database. According to a review of several files corresponding to the individuals on the second list, three identified to KPMG as active with children, were found to have CRR (Criminal Records Release) dates that were more than 30 days old at the time of the KPMG visit on November 8, 2006, and there was no evidence in the files that the criminal records reviews had been completed for them. The Safe Environment Coordinators indicated that they were expecting confirmation from the Diocese as to these record checks, but had not yet received such information.
15. The Director of Religious Education at a Parish in Concord that assists with the Safe Environment responsibilities maintains a separate excel database of individuals, which is utilized to track compliance with the *Screening and Training Protocol* on nearly a daily basis. It was explained that this method helps to simplify and ensure that the information is regularly updated, and that this type of process is probably in use by several parishes in the area.

Criminal Records Checks

16. Within the *Screening and Training Protocol*, the Diocese has incorporated written procedures for conducting out-of-state criminal records checks for individuals who have lived in New Hampshire less than one year.⁶⁶ However, it does not address a mechanism to verify or authenticate out-of-state criminal records reports provided by an individual. In light of the Bishop's recognition of the deceptiveness of predators, such verification steps should be developed and implemented.
17. The Diocese has delineated a formalized process for the handling and review of applicants with criminal records which will allow for greater accountability and consistency of application. This process appropriately incorporates an escalation process involving the DRB and Bishop for activities that fall within Categories "B" and "C". Categories "A" and "D" can result in automatic ineligible or eligible decisions, respectively, by the Office of Ministerial Conduct.
18. In order to create a more auditable process, the *Screening and Training Protocol* should require that all decisions relative to an individual's eligibility to work with minors, once they are found to have a criminal history, be provided in writing (i.e., decisions relating to Category "B" and "D" offenses, which currently require notification but do not indicate such notification should be in writing). Since an applicant has 30 days to complete the screening process, the possibility exists that such an individual could be working with minors before a history is detected. If such information is not required to be in writing, it may inadvertently get overlooked and an individual may not remove someone that the Diocese would deem ineligible.

⁶⁶ *Screening and Training Protocol*, Page 7.



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19. If a determination is made that an individual is ineligible for ministry based upon a prior criminal history, the restriction on ministry, due to the increased risk, should apply to any position where the individual may have access or come into contact with minors, rather than whether the position “regularly works with minors,” as defined by the Diocese.
20. The dates listed in the CRR date column on SE Database reflect dates with differing significance. According to conversations with SE Coordinators, the date could indicate either: (1) the completion of the criminal records release form; (2) the initiation of the request for a criminal records check, or (3) the date of completion of the criminal records search. There is no way to ascertain which date is reflected by the SE Database and thus, an individual could appear to be in compliance simply by submission of the CRR release form, even if a response is never received from the authorities.

Sex Offender Registry

21. Positively, the Diocese has expanded its check of Sex Offender databases from just New Hampshire to the National Registry of Sex Offenders and has developed and distributed procedures to do so. This is a key step toward a more comprehensive screening process in an area of significant indicators of potential risk.
22. None of the entities tested during the KPMG site visits maintained any evidence of completion of the National Sex Offender Registry checks. The only record was the date the search was reportedly conducted as it appears in the diocesan SE database, or in some cases a hand notation on another form indicating the search was performed. This does not appear to be consistent with the needs of the diocesan Action Plan, which notes in Section 13 – Ongoing Site Revisits to Verify Continued Compliance, part [e.] that individuals who work with minors and have missing... “evidence of sex offender registry check... must be separated from active service.”
23. The *Safe Environment Review Program – Version 1.0 Beta test* (Final Dated XXX) which will be used for follow-up site visits to verify completion of requirements under the *Screening and Training Protocol*, indicates that there will only be a check for the date that the sex offender registry check was done, which is not consistent with the language in the Action Plan that indicates there should be “evidence of sex offender registry check.”

e. Recommendations for Program Enhancements

1. A protocol should be developed and implemented to track and monitor issues or deficiencies identified through, but not limited to, the site compliance assessment visits to ensure that matters are completed or escalated as needed within stated timelines.
2. The Diocese should consider revising the policy screening and training requirements to allow for their application above and beyond the current minimum mandated individuals to person or group which the Office of Ministerial Conduct or CC feels should be screened and trained in the interest of child safety.
3. The Diocese should ensure that the requirements and deadlines which the Office for Ministerial Conduct outlined in the *Screening and Training Protocol* are met, to



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ensure that all employees and volunteers who work with minors are properly screened. This screening verification should be documented in the individual's folder, at the Diocese or parish level, depending upon the person's position, and should include the following:

- completed screening or application forms
 - documentation supporting reference checks performed
 - signed acknowledgement forms (see Section C.2 below)
 - completed criminal checks, in New Hampshire or out of state if the person recently moved to New Hampshire and evidence of verification or authentication of out-of-state records
 - completed print-out documenting review of the National Sex Offender Registry
 - evidence of completion of PGC training
4. The *Screening and Training Protocol* should explicitly note that no exceptions to the procurement of a state provided criminal records search will be accepted, (e.g., that reference to, or actual military background records, will not be accepted as proof that the person in question does not have a recent criminal record and cannot be utilized to satisfy this program requirement).
 5. The Screening and Training Protocol should explicitly note that individuals ineligible for ministry based on prior criminal history, the restriction on ministry should apply to any position where the individual may have contact with a minor rather than just a position where the individual "regularly works with children."
 6. The *Screening and Training Protocol* should include a timetable for recertification of screening requirements, (e.g., conducting a criminal record check every 3 years; re-check of the National Sex Offender Registry every 2 – 3 years, etc.) The Diocese should develop and implement a procedure to authenticate the results if procured by the applicant.
 7. Safe Environment Coordinators should be provided with additional guidance that, for example, provides, but is not limited to, specific definitions of the categories: "Active, Pending, or Inactive," a definition for "CRR", and an explanation for exactly what date should be entered into each column in the database.
 8. The Safe Environment Database should incorporate some type of "Start Date" – such as the a date of hire, or the date the screening/application form is signed – if that is designated as a start date, in order to create a system to ensure that the *Screening and Training Protocol* timelines are consistently achieved to ensure consistency.
 9. The Safe Environment Database lists provided to SE Coordinators or in use by others should be revised to include a date on it which reflects to the last time that it was updated by diocesan personnel, and not have the "As of Date" simply reflect the date that a particular SE Database list was printed to ensure a clearer understanding of what is contained on such a list.
 10. The Diocese should require the retention of evidence of completion of the National Sex Offender Registry Check, such as a 'screen print' of the findings, as required by the Action Plan: 'evidence of sex offender registry check...' in Section 13 e. The *Safe Environment Review Program Version 1.0* should include the verification of Sex Offender Registry Check beyond the recording of just a date.
 11. All diocesan entities should review their contractor contracts to ensure that they comply with the appropriate language contained in the *Screening and Training*



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Protocol and should report to the CC on an annual or semiannual basis that this has been completed.

2. *Training, Communication, and Acknowledgements*

a. Requirements of the Agreement

Pursuant to its Agreement with the Attorney General, the Diocese agreed to “continue to provide, and to revise as needed, its on-going safety training program regarding the sexual abuse of minors and the reporting requirements for all diocesan personnel who have any contact with minors.” In addition, the Diocese agreed that all Church Personnel who had “any contact with minors” would sign an acknowledgement that they had read and understood their reporting obligations (i.e., that they were “personally required to make the report directly to DCYF or local law enforcement”). In addition, all diocesan personnel would also acknowledge that they had read and understood the diocesan *Policy* and “have received specialized instruction” on it.

b. Industry Guidance

Under its new amendments, the Guidelines’ original requirement of “effective communication to all levels of employees” has been enhanced to incorporate the specific requirement that such communication include the provision of compliance and ethics training to all organizational levels, including all high-level personnel, employees, and agents. It further provides that the obligation to provide such communication and training is ongoing, requiring periodic updates.⁶⁷

c. Program Overview

1. *Training of Church Personnel*

a. Protecting God’s Children (PGC) Training

In accordance with both the Agreement and the Guidelines, the Diocese’s draft *Policy*⁶⁸ requires all Church Personnel who regularly work with minors to receive instruction on the mandatory reporting requirements. Employees are required to undergo such training as part of the orientation process, while volunteers who work with minors are given three months in which to participate in the class.⁶⁹

The draft *Policy* now requires that individuals must sign an acknowledgement that they have received instruction on the mandatory reporting requirements and agree to abide thereby.

The draft *Policy* formalizes the one exception to attendance at the Diocese of Manchester’s *Protecting God’s Children* Training, in that it allows individuals who have undergone a VIRTUS *Protecting God’s Children* Training program at another Diocese to submit a certificate of attendance, as long as they review the Diocese of Manchester Reporting Requirements for Church Personnel with a

⁶⁷ U.S. Sentencing Commission, *Guidelines*, §8B2.1(b)(4) (November 2004).

⁶⁸ draft *Policy* at Page 7.

⁶⁹ *Id.*



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pastor, principal, director, Safe Environment Coordinator, or the Office for Ministerial Conduct.⁷⁰

Furthermore, if any diocesan organization (parish/school/camp) employs independent contractors that regularly work with minors, those contractors must provide written assurance that all of their employees have undergone appropriate levels of sexual abuse of minors training and the mandatory reporting requirement instruction. They are not, however, required to attend the Diocese's PGC training program or provide any evidentiary support for such assurances.

b. VIRTUS Training

According to the *Screening and Training Protocol*, all Church Personnel who regularly work with minors must undergo ongoing or refresher training on child sexual abuse once every three years, including a self assessment portion at the end of the program.⁷¹ To meet this requirement, the Diocese began to utilize the online VIRTUS training program, but has recently decided to eliminate the VIRTUS program in December 2006.

As an alternative, the Diocese has contracted with individuals who write articles on the VIRTUS Web site to produce a newsletter that will be sent to all those who regularly work with minors.

c. Additional Training

In addition to *Protecting God's Children* training, the Diocese has developed three modified training programs especially designed for teen participants and/or minors and their parents. The programs, which are not mandatory, address a variety of topics, including sexual abuse. They include:

- 1) Circles of Care
- 2) Safe & Sound All Around
- 3) Having a Safe School.

2. Communication

The draft *Policy* states that the Diocese will follow a program of regular and ongoing communications to increase awareness and understanding of the problem of child sexual abuse. Communications will include information about the problem of sexual abuse of minors; the means of reporting actual or suspected abuse and communicating allegations; and the services available to those who have been abused and to their families.⁷² Supervisors, managers, personnel managers, and/or directors should periodically review with Church Personnel the standards, policies, and reporting procedures. Pastors must periodically remind the parishioners about provisions contained in the *Policy* by including them in Church bulletins or other means deemed to be appropriate.

⁷⁰ *Screening and Training Protocol* at Page 8.

⁷¹ *Screening and Training Protocol* at Pages 4 & 5.

⁷² draft *Policy* at Page 17.



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During 2006, the Diocese distributed Safe Environment News Letters (Fall 2005, Winter 2005, Spring 2006, and Fall 2006) to all Pastors, Principals, the Safe Environment Coordinators, and the DRB. In addition, in April 2006, during Child Abuse Prevention Month, the Diocese placed advertisements in approximately 10 newspapers throughout New Hampshire in an effort to enhance awareness throughout the community. Further, the Diocese continues to use flyers and posters and Church bulletins to publish the mandatory reporting requirements. These communication methods clearly define the responsibilities of all adults, Church Personnel, and the Office for Ministerial Conduct.

3. Acknowledgments

In accordance with the terms of the Agreement, the *Screening and Training Protocol* also requires that all Church Personnel, both those who do and do not work directly with minors, receive instruction on the Diocese's mandatory reporting requirements and that they sign an acknowledgement form stating that they have read and understood these requirements.⁷³

d. Findings

Training of Church Personnel

1. It does not appear as though the required attendance at *Protecting God's Children* training is being consistently recorded by the Delegate's Office or by the parishes. Although the Safe Environment Database and the parish records, which were reviewed by KPMG, contain substantial information about which employees and volunteers have attended the training, see **Exhibit H**.
2. The draft *Policy* currently limits training requirements to only those Church Personnel that work with minors. Previously, the Diocese required all Church Personnel, both those who did and did not work directly with minors to receive instruction on the Diocese's mandatory reporting requirements and sign an acknowledgement form stating that they have read and understood these requirements.⁷⁴ While in conformance with the Agreement, this change in policy appears to limit training requirements which could potentially drastically reduce the number of individuals familiar with their personal reporting obligations.

Communication

3. Although the Diocese continues to lack a formal communications plan for the entire organization, there appears to be evidence that the Diocese, the Office of Healing and Pastoral Care, and the parishes are continuing to use a variety of methods to publish the Diocese's message(s) about the Program, including:
 - a poster advertising the *Policy*, along with wallet-sized cards that detail the responsibilities of all adults who know or suspect abuse or neglect of a minor, along with contact numbers for reporting such suspicions, which is visible in the front foyer of the Diocese
 - a memo to School Principals from Diane Murphy Quinlan, dated

⁷³ draft *Policy* at Page 7.

⁷⁴ *Policy* at Page 6.



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September 21, 2005 with guidance on state law and diocesan policy on matters involving sexual abuse of minors and sexual harassment, and “Promoting Safe Environment” newsletters distributed to parish priests, principals, and SECs

- a June 16, 2006 letter to Principals and SECs from Mary Ellen D’Intino titled “Reminder, Safe Environment Requirements for School Year 2006 – 2007”
4. The Associate Delegate continues to assert that the Diocese has not implemented an independent external hotline, as the Diocese does not believe that these third parties are qualified to provide the same type of pastoral care as the Diocese’s representatives.
 5. KPMG observed no evidence that the Diocese has specifically enhanced communication between the Safe Environment Council and the Safe Environment Coordinators.⁷⁵ However, based upon the documentation reviewed, there does appear to be greater communication between the Office for Ministerial Conduct and the Safe Environment Coordinators, which has enhanced the program’s overall effectiveness.

Acknowledgements

6. The acknowledgement of the *Promise to Protect Pledge to Heal* the ‘Acknowledgement form’ remains widely distributed as an attachment to the *Policy*. Previously, the Diocese required all Church Personnel, both those who did and did not work directly with minors, to receive instruction on the Diocese’s mandatory reporting requirements and sign an acknowledgement form stating that they have read and understood these requirements.⁷⁶ Under the draft *Policy*, however, it appears that the *Policy* and Acknowledgement form will only be distributed to ‘church personnel who regularly work with minors and all clerics assigned to ministry by the diocesan bishop and all clerics who serve in supply ministry.’ Although the draft policy then goes on to say that: ‘Church personnel shall be required to acknowledge (either in writing or other verifiable Web-based program) receipt of the Policy, etc.’⁷⁷ While in conformance with the Agreement, this change in policy appears to limit distribution of the *Policy* which could potentially drastically reduce the number of individuals familiar with their personal reporting obligations.

e. Recommendations for Program Enhancements

Training of Church Personnel

1. The three-month period for volunteers to complete PGC training continues to seem excessively long. Traditionally, compliance timetables for such critical training are between 14 to 30 days. KPMG would recommend that the other Safe Environment Coordinators follow the Camp Fatima model, which requires that all new employees and/or volunteers attend training within a two-month period.

Communication

⁷⁵ *Policy* at Page 8 supports communication between the SE Coordinators and SE Council.

⁷⁶ *Policy* at Page 6.

⁷⁷ draft *Policy* at Page 18.



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2. Given the large number of responses from Safe Environment Coordinators to the CC's May 2006 survey, which claimed that there was a general lack of communication and resulting in some misunderstanding regarding screening and training requirements, the Diocese may want to consider formulating a Communications Protocol aimed at both delineating an appropriate flow of information and associated timelines and encouragement of communication among all critical parties and/or entities. Such a plan will also foster greater accountability and allow the Diocese to keep its messaging current and levels of awareness high.
3. The Diocese should consider developing an expanded communications plan which would not only incorporate an annual calendar but also the ability to track what was accomplished and any feedback with regard to the Diocese's or Bishop's messages.
4. As previously recommended, the Diocese should consider utilizing independent hotlines as additional methods for reporting possible violations of the Safe Environment Program and/or the sexual abuse of minors. The appropriate diocesan personnel can still provide immediate pastoral care upon receipt of the allegations report from the hotline. The benefits of an anonymous mechanism for people to report, and the increased likelihood that individuals will report such sensitive information and potentially prevent additional instances of abuse, far outweighs any insignificant delay in the provision of immediate pastoral care.

Acknowledgements

5. As noted above, there were numerous examples when the date on the form did not correlate with the date on the Safe Environment Database. The Diocese, its parishes, schools, and camps should implement a system to ensure that all Church Personnel complete an Acknowledgement form as required and that the correct date is recorded in the Safe Environment Database.

D. Program Documentation

1. Requirements of the Agreement

The Agreement stipulates that the Diocese retain all documents and information relating to any allegations of sexual abuse of minors for the life of the accused.

2. Industry Guidance

Although the Guidelines do not specifically address documentation requirements, industry practice would support the Diocese maintenance of any and all documentation supporting its compliance with the Agreement at least for the period of required audits.

3. Program Overview

The draft *Policy* requires all records regarding sexual abuse must be maintained for the life of the accused, or the longest period of time permitted by Church and civil law, whichever is longer. It further stipulates that such records must be kept in a format that facilitates their availability to Church Personnel with a legitimate need to know about the allegations.⁷⁸

⁷⁸ draft *Policy* at Page 17.



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The draft *Policy* also requires that the Diocese maintain a unified Clergy Personnel documentation system for use when assigning clerics to ministry. The record of each cleric will begin once they have entered seminary or preparation for the diaconate and be maintained for “a period of time established by Church law.” In addition, the draft *Policy* calls for the creation of a central records database for all Church Personnel.⁷⁹

This database will enable the Diocese to monitor its compliance with screening and training requirements. It will also help parishes to identify whether or not applicants previously employed by other parishes are in good standing.

4. Findings

- a. As previously noted, the Diocese has undertaken significant efforts to update its Safe Environment Database which tracks compliance with Program requirements. Efforts to date, however, have been limited to a reconciliation effort rather than verification of true levels of compliance through the review of documentation supporting compliance.
- b. As note in Section C 1 d above, the dates contained within the Safe Environment Database are flawed. For example, according to interviewees during the site visits, the dates contained within the SE Database for Criminal Records Results are inconsistent. Some of the dates provided reflect the date the Criminal Records Release form was submitted rather than the dates reflecting the receipt of responses as to whether an applicant has a criminal history. There were also numerous examples of dates which did not correspond between what was recorded on the Safe Environment Database and what was contained in the records.
- c. During its site visits, it appeared that the Safe Environment files were generally kept in a secure and organized manner; the files at one location, however, did not seem to be kept secured as required by the revised *Protocol*.
- e. The draft Follow-up Audit Program entitled “*Diocese of Manchester Office for Ministerial Conduct Safe Environment Review Program – Version 1.0 Beta test (Final Dated XXX)*” addresses an evaluation of the filing system for Safe Environment in section (F) but does not address file security and the need to avoid self-reporting through examination of the physical files.

5. Recommendations for Program Enhancements

- a. The dates used in the Safe Environment Database are critical for evaluating and maintaining compliance with the *Protocol*. Therefore, all diocesan entities should complete a thorough reconciliation of all dates listed on their Safe Environment Database list to the documentation maintained in the files, for individuals currently active and working with minors to ensure they are starting with 100% accurate information before the program moves towards monitoring “continued compliance.”
- b. The Diocese should consider reducing the time allotted for volunteers to complete PGC training from three months after commencing involvement with minors to perhaps two months or even less.

⁷⁹ Id.

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- c. The Safe Environment Review Program – Version 1.0 Beta test (Final Dated XXX) should include the specific evaluation as to the security of the files reviewed and the need for review of physical files during the site visit process.

E. Auditing/Testing of the Program

1. Requirements of the Agreement

The Agreement requires the Diocese to submit to an annual compliance audit to be performed by the Attorney General for a period of four years ending. The audit may include the inspection of records and the interview of diocesan personnel.

2. Industry Guidance

According to the Guidelines, an organization shall take reasonable steps a) to ensure that the organization's compliance and ethics program is followed, including monitoring and auditing to detect criminal conduct and b) to evaluate periodically the effectiveness of the organization's compliance and ethics program.⁸⁰

In addition, the Guidelines also stipulate that an organization's compliance and ethics program shall be promoted and enforced consistently throughout the organization through appropriate incentives to perform in accordance with the compliance and ethics program as well as appropriate disciplinary measures for engaging in criminal conduct and for failing to take reasonable steps to prevent or detect criminal conduct.⁸¹ Thus, the Guidelines articulate "both a duty to promote proper conduct... as well as a duty to sanction improper conduct."⁸²

3. Program Overview

The draft *Policy* requires the DRB, or selected outside consultants hired by the DRB, to conduct regular compliance audits of the Office for Ministerial Conduct for compliance with the *Policy*. According to the *Policy*, the results of these audits will be reported to the Christian Faithful.⁸³

The DRB retained *Howe Riley, Howe* (HRH) to conduct an audit to measure the Office of Ministerial Conduct's compliance with the *Policy*. The audit covered: Screening of Personnel, Assignment of Priests and Deacons, Training of Personnel, Intervention, Reporting of Incidents, Allegations, and Concerns, Documentation, Communications, and Recommendations. The audit covered the period from March 19, 2004 to December 31, 2004.

4. Findings

- a. The 2005 *Howe Riley, Howe* audit had findings in each category noted above. In regard to Screening, the report noted: "While most parishes and Catholic schools were in substantial

⁸⁰ U.S. Sentencing Commission, Guidelines, §8B2.1(b)(5) (November 2004).

⁸¹ Id. at §8B2.1(b)(6).

⁸² Excerpt from the U.S. Sentencing Commission Amendments to the Organizational Sentencing Guidelines, Page A-4, referencing §8B2.1(b)(6).

⁸³ draft *Policy* at Page 20.



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Diocese of Manchester

compliance with the requirements... some organizations within the Diocese were not in complete compliance.' The report offered the following explanation: 'there were two factors which complicated the achievement of full compliance, which were noted as 1) the regularly changing roster of diocesan volunteers and employees and 2) the statement that "as with any substantial policy initiative, a certain period of time must pass before the personnel responsible for compliance can be expected to conform to all the aspects of the Policy.'

The report noted that the Diocese had strictly complied with the *Policy* in regard to assignment of diocesan personnel, that there was substantial compliance with regard to training although the recordkeeping varied among parishes and schools.

The *Howe Riley, Howe* report was accompanied by a letter from J. Michael McDonough the Chair of the DRB dated January 12, 2006. In that letter the Chairman identified five recommendations which included:

1. Establishing a uniform record retention policy
 2. Establish a position to ensure regular audits for compliance with the PPPH and other diocesan policies
 3. Regularly schedule visits to parishes, schools, and camps for an annual audit or review of compliance with the *Policy*, to include but not limited to ensuring that SEC are appointed and performing properly
 4. The DRB conduct a review in December 2006 of the progress in screening, training, and educating diocesan personnel
 5. The compliance personnel noted in #2 above should also conduct 'spot checks' of parishes Catholic schools and institutions.
- b. The Diocese has recently drafted procedures for site revisits entitled '*Safe Environment Review Program – Version 1.0 Beta test (Final Dated XXX)*' which was provided to KPMG on November 16, 2006.

5. Recommendations for Program Enhancements

- a. The Diocese should require that its independent auditors conduct extensive and intensive reviews of its systems to ensure that it is in full compliance with the Agreement, its own *Policy*, the Action Plan, and the previously mentioned leading industry standards. Such reviews should not be predicated by advanced notice to the selected parishes, schools, or camps, as that could potentially alter the results of the review.



PRIVILEGED & CONFIDENTIAL ATTORNEY WORK PRODUCT

EXHIBIT A

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS
Northern District

SUPERIOR COURT

IN RE GRAND JURY PROCEEDINGS

No. 02-S-1154

AGREEMENT

NOW COMES the State of New Hampshire, by and through counsel, the Office of the Attorney General and the Roman Catholic Bishop of Manchester, a corporation sole (the "Diocese of Manchester") and hereby respectfully submit the following Agreement for filing with the Hillsborough County Superior Court, Northern District to conclude the above-captioned matter.

WHEREAS, beginning in February, 2002, the State of New Hampshire commenced a criminal investigation into the conduct of the Diocese of Manchester and its officials regarding the manner in which the Diocese responded to allegations that some of its priests had engaged in sexual misconduct with minors over a period of forty years;

WHEREAS, the Attorney General's stated interests in commencing a criminal investigation involved determining whether the Diocese itself or any of its agents committed any crimes in connection with the handling of sexual abuse incidents by clergy;

WHEREAS, the Attorney General's stated interests in commencing a criminal investigation of the conduct of the Diocese of Manchester also included the referral to the various county attorneys for investigation and potential prosecution of individual priests who were alleged to have engaged in illegal sexual conduct with minors;

WHEREAS, the Hillsborough County Grand Jury, sitting in the Northern District, initiated an investigation into these matters;

WHEREAS, as a result of the Grand Jury inquiry, and with the cooperation of the Diocese of Manchester, thousands of pages of documents were produced for inspection by the Office of the Attorney General and the Grand Jury;

WHEREAS, pursuant to the powers of the Grand Jury, several witnesses testified regarding their knowledge of these matters;

WHEREAS, the Attorney General convened an investigative task force to pursue leads and gather evidence based on the documents and testimony provided to the Grand Jury;

WHEREAS, as a result of its investigation, the Office of the Attorney General has indicated its intention to seek indictments based on the New Hampshire child endangerment statute, RSA 639:3, I, against the Diocese of Manchester regarding this matter;

WHEREAS, in light of the documents produced, the testimony obtained, and the nature of the elements which are required to be proved to establish a criminal violation of the New Hampshire child endangerment statute, RSA 639:3, I, the Diocese acknowledges that the State has evidence likely to sustain a conviction of a charge under RSA 639:3, I, against the Diocese.

NOW THEREFORE, the State and the Diocese of Manchester agree to resolve this matter without a criminal proceeding in accordance with the terms and conditions set forth below. Such a resolution accomplishes the following goals: (1) it will protect victims from the necessity of testifying in a criminal trial; (2) it will establish terms and conditions that will facilitate the protection of children to a greater extent than a criminal conviction and sentence; and (3) it will ensure a system of accountability, oversight, transparency, and training.

1. No Prosecution

In consideration for the promises made herein by the Diocese of Manchester, the Attorney General has agreed not to charge, seek an indictment against, or prosecute the Diocese of Manchester, a corporation sole, or its individual agents, regarding the past handling of allegations of sexual abuse of minors by clergy. This Agreement is without prejudice to the State of New Hampshire's ability to indict and prosecute individual clergy for sexual abuse of minors as permitted by law. The Diocese of Manchester acknowledges that certain decisions made by it about the assignment to ministry of priests who had abused minors in the past resulted in other minors being victimized. Accordingly, the Diocese of Manchester has published and is implementing a policy that no person who is known to have abused a child will either continue or ever be placed in ministry.

2. Reporting Allegations of Sexual Abuse

a) As required by New Hampshire law, whenever any priest, deacon, member of a religious institute or any other church personnel serving the Diocese in ministry, employment or a volunteer position (hereinafter "Diocesan Personnel") has reason to suspect that a minor has been abused or neglected as defined in RSA 169-C:3, II & XIX, which includes sexual abuse as defined by RSA 169-C:3, XXVII-a, and the victim is a minor at the time suspicion is formed, the individual shall comply with the mandatory reporting obligations set forth in RSA 169-C:29 to C:32 (the "Reporting Obligations").

b) In addition to the requirements of New Hampshire law, whenever any Diocesan Personnel has reason to suspect that any other Diocesan Personnel has sexually abused a minor, the individual who suspects shall make an immediate report to local law enforcement where the incident occurred or where the suspect is currently located. Such report shall be made in a manner consistent with the Reporting Obligations regardless of whether the individual who suspects the abuse knows the identity of the alleged victim regardless of whether the alleged victim is currently a minor.

c) In addition to the requirements of New Hampshire law, whenever the Office of the Delegate for Sexual Misconduct has reason to suspect that a minor has been sexually abused as defined in RSA 169-C:3, XXVII-a and the alleged victim is no longer a minor at the time the suspicion is formed, the Office shall make an immediate oral report in a manner consistent with the Reporting Obligations to the local law enforcement where the suspected abuse may have occurred regardless of whether an alleged abuser is named or identified.

d) All Diocesan Personnel who have any contact with minors shall sign an acknowledgement that they understand the reporting requirements described above, and that they are required personally to make the report directly to DCYF or local law enforcement. Additionally, such Diocesan Personnel shall acknowledge that they have read the Diocesan Policy described in paragraph 3 below, that they understand said Policy, that they have received specialized instruction on said Policy, and that they agree to comply with the provisions of said Policy.

e) Upon making the report to law enforcement and/or DCYF, the Diocese shall cooperate fully with law enforcement and/or DCYF. Upon request, the Diocese shall provide law enforcement and/or DCYF with any and all information and documents in its possession relating to the alleged abuser.

f) Upon receipt of an allegation of sexual abuse, the Diocese will ensure that, pending the resolution of the allegations, the alleged abuser will be removed from any position in which there is the possibility for contact with minors.

3. Diocesan Training

The Diocese of Manchester shall maintain the existing Office of the Delegate for Sexual Misconduct as an appropriately-trained and easily accessible office dedicated to the handling of allegations of sexual abuse of minors. The Diocese shall continue to develop, implement and revise as necessary policies and protocols for preventing, responding to, and ensuring the reporting of allegations of child sexual abuse. In addition, the Diocese of Manchester agrees to continue to provide, and to revise as needed, its on-going safety training program regarding the sexual abuse of minors and the reporting requirements for all Diocesan Personnel who have any contact with minors. The Diocese of Manchester agrees to continue to provide to the Office of the Attorney General copies of its policies and protocols for review and comment on an annual basis pursuant to paragraph 4 or as otherwise requested by the Office of the Attorney General.

4. Annual Audit

The Diocese of Manchester shall retain all documents and information relating to allegations of sexual abuse of minors until the death of the Diocesan Personnel accused. For a period of five years ending December 31, 2007, the Diocese of Manchester agrees to submit to an annual audit to be performed by the Office of the Attorney General regarding compliance by the Diocese of Manchester with the terms of this Agreement and Diocesan policies. The audit may include, without limitation, the inspection of

records and the interview of Diocesan Personnel.

5. Public Disclosure of Agreement

The Parties agree that this Agreement is a public document and further the Parties are free to hold separate and distinct public announcements of this Agreement and to supply supplemental information and to respond to questions posed by the press or members of the public except as prohibited by any laws governing the confidentiality of records or information and subject further to the provisions of paragraph 6 below.

6. Attorney General Investigative Report and Release of Investigative Material

The Diocese of Manchester acknowledges that the Office of the Attorney General will issue, at some time in the future, a report on the scope and results of the investigation, which it has conducted since February, 2002, regarding the manner in which the Diocese responded to past clergy sexual abuse of minors (the "Report"). The Diocese of Manchester also acknowledges that the Office of the Attorney General intends to make public its own investigative file (the "Investigative File"). In order to provide the public an opportunity to evaluate and to understand the process and the information involved in this investigation, the Diocese agrees to waive Grand Jury confidentiality to allow publication of Diocesan documents obtained by the Office of the Attorney General from the Diocese pursuant to Grand Jury subpoenas (the "Documents"). The Office of the Attorney General will take all reasonable steps to ensure the confidentiality of the identity of the victims in the Report, the release of the Investigative File, and the disclosure of the Documents. The Office of the Attorney General will not disclose any mental health or other medical records, except that the Office of the Attorney General reserves the right to quote or cite in its Report those portions of such records that illustrate the information that the Diocese had and its response to information regarding sexual abuse of minors by clergy. The Office of the Attorney General will provide the Diocese with a copy of its Report, the Investigative File, and the Documents which the Office of the Attorney General intends to release to the public no later than ten business days prior to the release of the Report, Investigative File, and/or Documents. To the extent the Diocese has a dispute as to the quotation or citation of any portion of the medical and mental health records obtained from the Diocese pursuant to Grand Jury subpoena, the Diocese may file a motion in Hillsborough County Superior Court for adjudication of that matter. The Office of the Attorney General will not release a Report containing the disputed quotation or citation to a medical or mental health record before the dispute is resolved. To the extent the Diocese has concern that the release of the Documents will infringe upon the privacy interests of Diocesan Personnel, an accused priest, or a third party, the Diocese may present those concerns to the Office of the Attorney General before the Documents are released. The Office of the Attorney General will consider the concerns of the Diocese prior to releasing the Report and/or Documents. However, with the exception of medical and mental health records, the Office of the Attorney General retains sole discretion regarding the information and/or Documents that it intends to release to the public. If the Diocese intends to release its own report or documents in response to the Report from the Office of the Attorney General, it shall provide the Office of the Attorney General with a copy of its report

and/or documents no later than five business days before the Office of the Attorney General's disclosure.

7. Amendment and Term of Agreement

The Parties agree that this Agreement can be amended by a writing executed by a duly authorized representative of the Office of the Attorney General and the Diocese of Manchester upon filing the same with the Court in the above-captioned matter. The Parties agree that on or before December 31, 2007, the Office of the Attorney General will request the Hillsborough County Superior Court to hold a status conference to address whether any of the terms of this Agreement need to be revised or amended.

8. Superior Court Enforcement

The Parties agree to submit any dispute regarding the interpretation, compliance with, and enforcement of this Agreement to the Hillsborough County Superior Court, Northern District. The Parties further agree that the breach of any material term or condition of this Agreement by one Party shall constitute a separate and sufficient basis for the other Party to seek injunctive or other equitable relief.

NEW HAMPSHIRE ATTORNEY GENERAL

DATED: 12/10/02

By: /s/ Philip T. McLaughlin

DIOCESE OF MANCHESTER

DATED: 12/9/02

By: /s/ + John B. McCormack, D.D.
Roman Catholic Bishop of Manchester,
a corporation sole

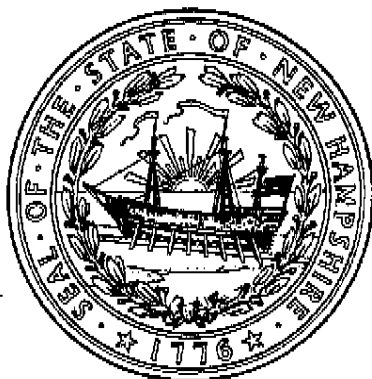
Approved by:

/s/ Carol Ann Conboy
Presiding Justice

DATED: 12/10/02

EXHIBIT B

149209.doc



Fax Cover Sheet

New Hampshire Office of the Attorney General

33 Capitol Street
Concord, New Hampshire
(603) 271-3658

DATE:	September 22, 2006	TIME:	4:02 PM
TO:	Mari Kay Corcoran	PHONE:	
		FAX:	617-249-1621
CC:		FAX:	
FROM:	Ann F. Larney, Associate Attorney General	PHONE:	(603) 271-1214
	Civil Bureau	FAX:	
RE:	Proposed policy		

Number of pages including cover sheet: 21

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9 *PROMISE TO PROTECT,*
10 *PLEDGE TO HEAL*
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14 POLICY FOR THE PROTECTION OF CHILDREN
15 AND YOUNG PEOPLE
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29 Publication Date: ---
30 Effective Date: March 19, 2007
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TABLE OF CONTENTS

PREAMBLE

Child sexual abuse is a horrible sin and crime in our Church and society. It is a matter of the gravest concern for our Diocese. The objectives of this policy are to prevent child sexual abuse in our Church before it occurs, respond with compassion and respect to those who report that they have been abused by church personnel, ensure due process and respect for the rights of those who have been accused of sexual abuse, provide for cooperation with the civil authorities, and address allegations of child sexual abuse openly.

In addition to this *Promise to Protect, Pledge to Heal, The Protection of Children and Young People: Policy and Procedures* ("Policy"), the Diocese requires that church personnel comply with the diocesan *Serving Christ, Serving Others Code of Ministerial Conduct* ("Code") which sets forth additional standards of behavior for all who minister in the Church. The Code is intended to provide a broader context in which to view ministerial relationships by church personnel in the Diocese of Manchester, while the Policy is solely focused on preventing, investigating, and remedying sexual abuse of minors.

Responsibility for adhering to this Policy rests with the individual. Church personnel who disregard this Policy will be subject to appropriate disciplinary action.

APPLICABILITY AND GENERAL DEFINITIONS

I. Applicability

This Policy applies to all who are engaged in ministry either by assignment, employment, or as a volunteer for the Diocese of Manchester or its parishes, schools, institutions, and agencies. The Policy applies to "church personnel," and where appropriate, applicants to become "church personnel" and independent contractors of the diocese.

II. General Definitions for the Purposes of This Policy

- A. Accused: The term "accused" means anyone accused of sexual abuse of a minor.
- B. Adult: "Adults" are individuals who have reached their eighteenth birthday.
- C. Church Law: The term "church law" means the *1983 Code of Canon Law*,¹ the *motu proprio* of Pope John Paul II, *Sacramentorum Sanctitatis Tutela* ("SST"),² the *Essential Norms for Diocesan and Eparchial Policies*

¹ The *1983 Code of Canon Law* is the codification of church law for the Latin Rite of the Roman Catholic Church.

² Pope John Paul II, *Sacramentorum Sanctitatis Tutela*, April 30, 2001.

1 *Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*
2 (*“Essential Norms”*),³ as well as other particular law of dioceses in the
3 United States, and particular law of the Diocese of Manchester.
4

5 D. Church Personnel: The following are included in the definition of church
6 personnel:
7

8 1. Clerics (bishops, priests, and deacons) who are either incardinated in or
9 granted faculties in the Diocese of Manchester.
10

11 2. Members of religious institutes, including all women and men religious
12 assigned to ministry in the Diocese, its parishes, Catholic schools,
13 institutions, or agencies.
14

15 3. Lay employees and volunteers who are adults, including
16

17 a. Seminarians assigned to pastoral work in the Diocese of
18 Manchester; seminarians seeking incardination in this Diocese; and
19 those men enrolled in the Permanent Diaconate Formation
20 Program;
21

22 b. Paid personnel, whether employed in areas of ministry or
23 other kinds of services by the Diocese, its parishes, Catholic
24 schools, institutions, or other agencies.
25

26 c. Volunteers. A volunteer is any person who performs a
27 Church-related service without promise or expectation of monetary
28 compensation on a regular and continual basis, including but not
29 limited to catechists, coaches, youth ministers, lectors, ushers, Boy
30 Scout leaders, Catholic Youth Organization volunteers, day care
31 volunteers, volunteer camp counselors, children or youth choir
32 directors, mercy meal volunteers, and parish outreach workers. A
33 “regular and continual basis” means at least two times per month
34 for three months or at least six times per year.
35

36 E. Complainant: The term “complainant” refers to an individual who reports
37 having been sexually abused as a minor. The term also includes a person
38 who has registered a complaint on behalf of the complainant.
39

40 F. Heads of Church Institutions: “Heads of Church Institutions” are
41 individuals who are responsible for the pastoral administration of diocesan
42 parishes, Catholic schools, or institutions. Examples of Heads of Church

³ The *Essential Norms* initially were first approved by the United States Conference of Catholic Bishops on December 8, 2002. Revisions to the *Essential Norms* were granted recognition by the Holy See and promulgated as particular law for the United States on May 5, 2006.

1 Institutions are bishops (and their delegates), pastors, principals, and
2 directors of nursing homes or children's homes.

3
4 G. Minors: "Minors" are individuals who have not yet reached their
5 eighteenth birthday.

6
7 H. Policy: The term "Policy" refers to this *Promise to Protect, Pledge to*
8 *Heal, The Protection of Children and Young People: Policy and*
9 *Procedures*.

10
11 I. Regularly: Church personnel are considered to "regularly" work with
12 minors when they work with minors at least two times per month for three
13 months or at least six times per year.

14
15 J. Work with Minors: The following are considered to work with minors:
16 Catechetical leaders (facilitators, coordinators, directors); Catechists and
17 religious education aides; pastoral associates and ministers; youth
18 ministers; day care/after school care employees and volunteers;
19 chaperones for overnight trips; youth or family choir directors; Catholic
20 Youth Organization volunteers (including coaches); altar server
21 coordinators/trainers; leaders and volunteers of Scout troops and other
22 youth organizations sponsored by the parish; all employees in Catholic
23 schools, regardless of responsibility (including substitute and student
24 teachers); volunteers in Catholic schools who serve as *in loco parentis*
25 caregivers (such as coaches and chaperones on overnight trips) or who
26 regularly volunteer; all employees and volunteers in the diocesan camps,
27 regardless of responsibility (but not including the members of the board of
28 directors for the camps unless the members also regularly work with
29 minors at the camp).

30
31 K. Sexual Abuse: The term "sexual abuse" is contact of a sexual nature that
32 occurs between a minor and an adult.⁴ This term includes contact,
33 activity, or interactions with a minor that is meant to arouse or gratify the
34 sexual desires of the adult. "Sexual abuse" can occur whether or not this
35 sexual activity involves explicit force, whether or not it involves genital or
36 physical contact, whether or not it is initiated by the minor, and whether or
37 not there is discernible harmful outcome. "Sexual abuse" includes any act
38 constituting sexual abuse under New Hampshire law⁵ and is a grave delict

⁴ The term "sexual abuse" would not include contact of a sexual nature between a minor and an adult who are married to one another.

⁵ The New Hampshire Child Protection Act, RSA 169-C:3, provides that "sexual abuse" "means the following activities under circumstances which indicate that the child's health or welfare is harmed or threatened with harm: the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or having a child assist any other person to engage in, any sexually explicit conduct or any simulation of such conduct for the purpose of producing any visual depiction of such conduct; or the rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children. With

(a serious crime) against the Sixth Commandment under the *1983 Code of Canon Law* and the *Essential Norms*.⁶

PREVENTION

I. Screening of Church Personnel

Church personnel who regularly work with minors and clerics assigned to ministry by the diocesan bishop and clerics who serve in supply ministry in the Diocese of Manchester must undergo background checks, based on the levels of risk for child abuse in the church positions they fill. The standards for screening of church personnel are contained in the Diocese of Manchester Screening and Training Protocol for Church Personnel.⁷

II. Assignments of Priests and Deacons

A. Ministerial Assignments. In accordance with Church law, the Bishop of Manchester is required by Church law to assign all deacons and priests in the Diocese of Manchester. All assignments of priests and deacons are subject to a recommendation process that will consider, among other things, how confident the Christian faithful would be in each assignment. The Bishop of Manchester relies upon the advice of the Priest Personnel Board and the Vicar for Clergy in making pastoral assignments of priests. A Permanent Deacon Personnel Board advises the Bishop on the assignment of permanent deacons.

In addition to the advice noted above, the Bishop of Manchester considers the complete records of priests and deacons, including but not limited to records of formational assessment, psychological evaluations, and other information regarding his suitability for a particular ministerial assignment.

The Delegate for Ministerial Conduct shall provide the people who assist the Bishop in reviewing and recommending candidates for ministerial assignment with a report that indicates whether the priest or deacon has been accused of sexual abuse, and if applicable, sets forth the recommendation of the Diocesan Review Board to the Bishop of Manchester that pertains to the priest or deacon.

B. Transfers for Residence. Before a priest or deacon can be transferred for residence to the Diocese from another diocese or religious province, the Diocese shall seek from that diocese or religious province any and all information concerning any accusations of sexual abuse of a minor and any other information indicating that the priest or deacon has been or may be a danger to children or young people.

respect to the definition of sexual abuse, the term 'child' or 'children' means any individual who is under the age of 18 years."

⁶ See footnotes 2 and 3; *1983 Code of Canon Law*, c. 1395; *Essential Norms*, norm 9.

⁷ The Diocese of Manchester Screening and Training Protocol for Church Personnel can be found on the website for the Diocese of Manchester under child safety: www.catholicchurchnh.org.

III. Training of Church Personnel

A. Instruction on Mandatory Reporting Requirements. Church personnel who regularly work with minors and clerics assigned to ministry by the diocesan bishop and clerics who serve in supply ministry must receive instruction on the mandatory reporting requirements for church personnel and must sign an acknowledgement that they have received such instruction and agree to abide by the requirements.

B. Initial Training. Clerics and members of religious institutes assigned to parish, school, or institutional ministry and employees and volunteers who regularly work with minors are required to undergo training that addresses appropriate boundaries in ministry; signs and symptoms of sexual abuse in minors; policies and practices for the prevention of sexual abuse by church personnel; policies and procedures for reporting allegations of sexual abuse; and methods of responding appropriately to disclosures of abuse. Employees are required to undergo training as part of their orientation process. Volunteers are required to undergo training as soon as practicable but not later than three months after beginning their volunteer service. Training must be conducted by qualified, knowledgeable professionals.

C. Training of Independent Contractors. Diocesan parishes, schools, or institutions that retain independent contractors who regularly work with minors (cafeteria workers, instructors, and maintenance personnel in schools) must obtain written assurance that the independent contractors have undergone background screening and will comply with the reporting obligations for sexual abuse of minors under New Hampshire law and diocesan policy or must require that the independent contractors undergo the same screening as would be required of an employee in the parish, school, or institution.

D. Ongoing Training. All church personnel who regularly work with minors must undergo ongoing or refresher training on child sexual abuse at least once every three years. Such training may include a self-test or assessment component.

IV. Roles and Responsibilities

A. Role of the Diocesan Bishop

1. General. The diocesan bishop is responsible for teaching, sanctifying, and governing the Roman Catholic Church in New Hampshire. The bishop shall be responsible for enforcing the Policy and other related policies as particular law of the Diocese of Manchester.

2. Matters Involving Sexual Abuse of Minors. The Bishop shall personally reach out to those who have been sexually abused as minors by anyone serving the Church in ministry, employment, or a volunteer position, whether the sexual abuse was recent or occurred many years ago. The Bishop will be as open as possible with the people in

1 parishes and communities about instances of sexual abuse of minors, with respect always
2 for the privacy and the reputation of the individuals involved. The Bishop shall be
3 personally committed to the pastoral and spiritual care and emotional well-being of those
4 who have been sexually abused and of their families. The Bishop shall work with
5 parents, civil authorities, educators, and various organizations in the community to make
6 and maintain the safest environment for minors.
7

8 3. Revisions to the Policy. Before adopting revisions to the Policy, the Bishop
9 will consult with the Council of Priests and the Diocesan Pastoral Council. When
10 appropriate, the Bishop or his designee may also consult with the Safe Environment
11 Council, the Diocesan Review Board, and the Safe Environment Coordinators.
12

13 B. Role of the Diocesan Review Board
14

15 1. Composition of the Diocesan Review Board. The Diocesan Review Board
16 shall be constituted in accordance with Church law. The Review Board shall be
17 composed of persons of outstanding integrity and good judgment. The majority of the
18 Review Board members shall be lay persons who are in full communion with the Church
19 and are not in the employ of the Diocese; but at least one member must be a priest who is
20 an experienced and respected pastor of the Diocese, and at least one member should have
21 particular expertise in the treatment of the sexual abuse of minors. The members are
22 appointed for a term of five years, which can be renewed. Initial appointments are
23 arranged so that terms are staggered. The Promoter of Justice for the Diocese shall be
24 invited to attend and participate in the meetings of the Diocesan Review Board.⁸ The
25 Diocesan Review Board shall meet as often as necessary to carry out its responsibilities.
26

27 2. Responsibilities. The Diocesan Review Board makes recommendations for the
28 Bishop's consideration in discharging his responsibilities with respect to matters
29 involving allegations of sexual abuse of minors by church personnel. The functions of the
30 Diocesan Review Board are these:
31

32 a. to advise the Bishop in his assessment of the findings of preliminary
33 investigations into allegations of sexual abuse of a minor; that is, the portion of
34 the penal process in which the Bishop determines the probable nature of the
35 allegation;⁹
36

37 b. to advise the Bishop in his assessment of allegations of sexual abuse,
38 sexual exploitation, and sexual harassment by clerics, lay employees, and
39 volunteers, up to and including recommending appropriate disciplinary action;
40

41 c. to review the diocesan policies for dealing with sexual abuse of minors,
42 sexual exploitation, sexual harassment, and inappropriate conduct involving

⁸ The *Promoter of Justice* is a canon lawyer appointed by the diocesan bishop who acts as a protector of church law and safeguards canonical procedures prescribed in canon law by recommending to the diocesan bishop the prosecution of infractions against church law.

⁹ 1983 Code of Canon Law, c. 1718.

1 minors at least once every four years and recommend to the Bishop any changes
2 to the policies;

3
4 d. on a regular basis, to conduct a compliance audit of the Office for
5 Ministerial Conduct regarding compliance with this Policy and applicable church
6 law and state law and to subsequently make a regular public report to the
7 Christian faithful regarding the compliance audit and the work of the Office for
8 Ministerial Conduct; and

9
10 e. to offer advice on all aspects of cases involving sexual abuse, sexual
11 exploitation, and sexual harassment, whether retrospectively or prospectively,
12 including, but not limited to, providing input to the Delegate for Ministerial
13 Conduct regarding the background screening of lay applicants, employees, or
14 volunteers.

15
16 3. Assistance in Reviewing and Monitoring Effectiveness of Policy. The
17 Diocesan Review Board shall have the authority to utilize consultants in reviewing and
18 monitoring the operation and effectiveness of the policy and in conducting the
19 compliance audit. Consultants utilized by the Diocesan Review Board should have the
20 competence, skills, and experience that would be helpful in assisting the Diocesan
21 Review Board in its review and monitoring.

22
23 C. Role of the Office for Ministerial Conduct

24
25 1. Composition. The Office for Ministerial Conduct shall be staffed by
26 appropriately-trained individuals who are easily accessible and dedicated to the handling
27 of allegations of sexual abuse, sexual exploitation, sexual harassment, and inappropriate
28 conduct involving minors. The bishop shall appoint a Delegate for Ministerial Conduct
29 who shall be assisted by lay person(s), preferably parent(s), who have competence in
30 fields such as, but not limited to, the practice of law, law enforcement, psychiatry,
31 psychology, counseling, and social work.

32
33 2. Responsibilities. The Office for Ministerial Conduct shall administer this
34 Policy and all relevant diocesan policies on sexual abuse, sexual exploitation, sexual
35 harassment, and inappropriate conduct of a sexual nature involving minors. The Delegate
36 is responsible for ensuring that the pastors, principals, directors of diocesan institutions,
37 clerics, and diocesan administration employees comply with the Policy. Other duties
38 include, but are not be limited to these:

39
40 a. reporting suspected sexual abuse of minors to the appropriate civil
41 authorities in accordance with the law and this Policy;

42
43 b. conducting investigations into allegations of sexual abuse, sexual
44 exploitation, sexual harassment, and inappropriate conduct involving minors;

1 c. coordinating the pastoral care of those who are accused of having
2 committed sexual abuse or sexual exploitation;

3
4 d. when appropriate, working with the Bishop to take steps to restore the
5 reputation and the good name of an individual accused of having committed
6 sexual abuse; and

7
8 e. developing and coordinating programs designed to prevent sexual
9 abuse, sexual exploitation, sexual harassment, and inappropriate conduct
10 involving minors in the Church.

11
12 D. Role of Director, Office for Healing and Pastoral Care

13
14 1. Composition. The Bishop shall appoint a Director of the Office for Healing
15 and Pastoral Care who must have competence in the practice of psychiatry, psychology,
16 counseling, or social work. The Director should be a lay person, preferably a parent, and
17 preferably in full communion with the Catholic Church.

18
19 2. Responsibilities. The Director shall be responsible for offering pastoral
20 support, outreach, and professional assistance to persons who report having been sexually
21 abused, to their family members, and to parishes, schools, and other diocesan institutions
22 affected by complaints of child abuse. The pastoral support offered by the Director
23 includes referrals for pastoral counseling, spiritual direction, parish consultation, and
24 retreats. The Director also is responsible for reporting suspected sexual abuse of minors
25 to the appropriate civil authorities in accordance with the law and this Policy.

26
27 E. Role of Church Personnel.

28
29 Church personnel are responsible for knowing and adhering to this Policy. Church
30 personnel with questions about whether a particular situation or course of conduct would
31 violate this Policy are responsible for obtaining the answers by consulting this Policy,
32 their supervisors, or the Delegate for Ministerial Conduct.

33
34 F. Roles of Heads of Church Institutions

35
36 Pastors, principals, and other Heads of Church Institutions are persons in whom others
37 have confidence and trust. Pastors, principals, and other Heads of Church institutions
38 ought to be the principal models for life in ministry and must promote and encourage a
39 culture of accountability and safety in the exercise of ministry, including adherence to
40 this Policy and the spirit of this Policy. As supervisors of church personnel, Heads of
41 Church Institutions are responsible for meeting the standards set forth in the Policy,
42 ensuring that the Policy is implemented in their parish, school, or institution, and taking
43 steps to ensure that church personnel under their supervision comply with the Policy.

44
45 G. Role of the Compliance Coordinator.

1 The Diocesan Compliance Coordinator is responsible for assisting in the implementation
2 and ongoing oversight of diocesan policies, including, but not limited to the *Promise to*
3 *Protect, Pledge to Heal* Policy, in the parishes, Catholic schools and other institutions of
4 the Diocese, including the diocesan central administration. The Diocesan Compliance
5 Coordinator reports to the diocesan bishop and is supervised by the Delegate for
6 Ministerial Conduct.

7
8 H. Roles of the Safe Environment Council and Coordinators

9
10 1. Safe Environment Council. The Safe Environment Council shall consist of
11 one representative from each deanery recommended by the Dean and appointed by the
12 Bishop to a three-year term to assist and advise the Office for Ministerial Conduct in
13 matters associated with the Policy. The Council shall meet as frequently as necessary to
14 accomplish its duties. Members of the Council shall be available to respond to the needs
15 and questions of Safe Environment Coordinators in the parishes and schools located in
16 their deaneries.

17
18 2. Safe Environment Coordinators. The pastor of each parish and the principal of
19 each school shall appoint a Safe Environment Coordinator to assist the pastor and the
20 principal in matters associated with the Policy including, but not limited to, scheduling
21 training sessions on sexual abuse and sexual harassment matters, coordinating the
22 distribution of materials for parents on child sexual abuse, and assisting in the
23 background screening process.

24
25 **INTERVENTION**

26
27 **I. Investigation**

28
29 A. Compliance with Protocols. The Diocese takes all allegations of sexual
30 abuse seriously and will report allegations to the civil authorities and investigate
31 concerns in accordance with the protocols developed for addressing complaints of sexual
32 abuse of minors. The protocols will be followed whether the Office for Ministerial
33 Conduct becomes aware of the allegations of sexual abuse through a direct, formal
34 complaint or by some other means. During the course of an investigation into an
35 allegation of sexual abuse of a minor deemed by the Bishop of Manchester to have a
36 semblance of truth, the accused will be placed on administrative leave pending the
37 outcome of the investigation.

38
39 B. Trained Investigators. Internal investigations must be conducted by
40 individuals appropriately trained to conduct such investigations.

41
42 C. Rights of the Complainant and Accused. The rights of the complainant
43 and the accused will be protected throughout the investigation process.

44
45 D. Compliance with Church Law and the Essential Norms. In matters
46 involving allegations of sexual abuse of minors by clerics (deacons, priests, and bishops),

the definitions and processes provided for in the *1983 Code of Canon Law*, the *Essential Norms*, other particular law for the dioceses of the United States, and particular law of the Diocese of Manchester must be strictly observed. Clerics accused of sexual abuse are encouraged to retain the assistance of civil and canonical counsel and are entitled to a canonical advocate in certain canonical processes.

II. Pastoral Care and Support

A. Care of the Complainant. The primary concern of the Diocese with regard to complainants and their families is to assist them in healing and reconciliation which comes from the Lord Jesus. The Diocese will demonstrate a sincere commitment to their spiritual and emotional well-being. The Director of the Office for Healing and Pastoral Care will coordinate pastoral care and counseling, spiritual assistance, and other social services for complainants and their families, whether the alleged abuse was recent or occurred many years in the past, and will listen with patience and compassion to their experiences and concerns. When appropriate, the Director will make available counseling resources independent from the Church.

B. Care of the Accused. The Diocese will provide spiritual and pastoral care to those accused of sexual abuse of a minor and will demonstrate a sincere commitment to their spiritual and emotional well-being. The Delegate for Ministerial Conduct will coordinate pastoral care and counseling, spiritual assistance, and other social services for the accused and the family of the accused. When appropriate, the Delegate will make available counseling resources independent from the Church.

C. Support for Communities Affected by Allegations. The Diocese recognizes that entire communities are affected by allegations of sexual abuse, particularly when the accused is a priest, deacon, or member of a religious institute. The Diocese will extend particular pastoral care (as appropriate) to the parishes, schools, or institutions directly affected by allegations of sexual abuse. When an individual is placed on administrative leave as a result of an allegation of sexual abuse, the Delegate will consult the leadership of the parish, school, or institution to determine the appropriate pastoral response of the Diocese. The response must protect the rights of the accused and the confidentiality of the complainant.

REMEDIATION

I. Allegations Found to Be True¹⁰

The Church affords an accused person every opportunity for conversion of heart and forgiveness through the Sacrament of Penance and other pastoral means. However, the Church also acknowledges that one needs to do penance for one's sins, that consequences exist for wrongful actions, and that the safety of children requires certain measures to be taken even after there is forgiveness. If an accusation of sexual abuse of a minor is either

¹⁰ Allegations found to be true are those that are valid, proven with "moral certitude."

1 admitted to or is established after an appropriate investigation in accordance with Church
2 law and the protocols established by the Diocese, the following will pertain:

3
4 A. Clerics¹¹

5
6 1. Permanent Removal from Ministry. In the event of even a single
7 act of sexual abuse of a minor while a cleric, the cleric found guilty will be
8 permanently removed from ministry. The cleric will be offered appropriate
9 professional assistance for his own healing and well-being as well as for the
10 prevention of further abusive conduct.

11
12 2. Compliance with Church Law. In every case, the processes
13 provided for in Church law must be observed, and the various provisions of
14 church law must be considered. These provisions may include a request by the
15 cleric for dispensation from the obligations of holy orders and the loss of the
16 clerical state, or a request by the bishop for dismissal from the clerical state even
17 without the consent of the cleric. For the sake of due process, the accused shall be
18 encouraged to retain the assistance of civil and canonical counsel.

19
20 3. Clerics Not Dismissed from the Clerical State. If the penalty of
21 dismissal from the clerical state has not been applied (e.g., for reasons of
22 advanced age or infirmity), the accused shall be required to lead a life of prayer
23 and penance. He will not be permitted to celebrate Mass publicly, to wear clerical
24 garb, or to present himself publicly as a priest or deacon.

25
26 4. Transfer for Ministerial Assignment to or Residence in Another
27 Diocese. The Diocese will not permit any priest or deacon incardinated in the
28 Diocese known to have committed an act of child abuse to be transferred for
29 ministerial assignment to another diocese/eparchy, or to an institute of
30 consecrated life, society of apostolic life, or personal prelature. The Diocese will
31 not permit such a priest or deacon to be transferred for residence without having
32 forwarded in a confidential manner to the local bishop/eparch and religious
33 ordinary (if applicable) of the proposed place of residence any and all information
34 indicating that he has been or may be a danger to children or youth.¹²

35
36 5. Notifications. Notifications about the outcome of the canonical
37 proceedings should be made to the cleric, complainant, and the communities
38 affected by the allegations at an appropriate time and in an appropriate manner
39 with consideration for the privacy of the complainant and the rights of the cleric
40 found to have engaged in sexual abuse of a minor.

41
42 B. Members of Religious Institutes and Lay Employees and Volunteers
43

¹¹ Specific aspects of Church law apply to any report of the sexual abuse of a minor by a deacon or priest.
Please refer to notes 4 and 5 above.

¹² Essential Norms, Norm 12.

1 1. Permanent Removal from Ministry. In the event of even a single
2 act of sexual abuse of a minor, the member of a religious institute or lay employee
3 or volunteer will be permanently removed from ministry, employment, or service
4 in the Diocese.

5
6 2. Notifications. Notifications about the outcome of the
7 investigation should be made to the accused, complainant, and the communities
8 affected by the allegations at an appropriate time and in an appropriate manner
9 with consideration for the privacy of the complainant and the rights of the
10 member of a religious institute or lay employee or volunteer found to have
11 engaged in sexual abuse of a minor.

12 13 **II. Unfounded Allegations**¹³

14
15 Where an accusation of sexual abuse of a minor is determined to be unfounded, the
16 following will apply:

17
18 A. Restoration of Good Name. The Diocese will take appropriate steps to
19 restore the good name of the accused as soon as possible.

20
21 B. Notifications. Notifications about the outcome of the investigation or
22 canonical proceedings should be made to the accused, complainant, and the communities
23 affected by the allegations at an appropriate time and in an appropriate manner with
24 consideration for the privacy of the complainant and the rights of the accused. The
25 Diocese will also continue to offer the complainant and the accused pastoral care, as
26 appropriate.

27
28 C. Authority of Heads of Church Institutions. An allegation determined to be
29 unfounded following the internal investigation by the Diocese does not prevent Heads of
30 Church Institutions from exercising their administrative authority with respect to the
31 accused, so long as the exercise of that authority is consistent with applicable
32 employment and volunteer policies and practices.

33 34 **III. Settlement Agreements with Complainants**

35
36 A. Confidentiality. The Diocese will not bind complainants to a condition of
37 confidentiality or nondisclosure or encourage or otherwise attempt to convince a
38 complainant to request confidentiality as part of an agreement to provide services,
39 support, or treatment, or in settlement of financial claims involving allegations of sexual
40 abuse of minors.

41
42 B. Disclosure of Settlement Amount. The Diocese will include on financial
43 statements to be made public the total amounts of money expended by the Diocese in

¹³ The term "unfounded" for the purposes of this Policy means untrue; that is, either proven to be not true or unable to be proven true.

1 connection with financial settlements entered into between the Diocese and all
2 complainants and any amounts contributed by companies that provide insurance coverage
3 to the Diocese. In making such financial disclosures, the Diocese will comply with
4 provisions requested by complainants that their identities and the specific amount of the
5 individual settlements be kept confidential.
6

7 **REPORTING OF INCIDENTS, ALLEGATIONS,** 8 **AND CONCERNS** 9

10 **I. Reporting Sexual Abuse and Neglect of Minors**

11
12 A. Reporting Requirements of Adults under New Hampshire Law. In
13 accordance with New Hampshire law, any adult who has reason to suspect that a minor
14 has been abused or neglected must personally report the suspicions to the Division for
15 Children, Youth and Families ("DCYF") at (800) 894-5533.
16

17 B. Reporting Requirements of Church Personnel.¹⁴ Church personnel who
18 have reason to suspect that a minor has been sexually abused by other church personnel
19 have additional reporting obligations. When the alleged victim is a minor, in addition to
20 reporting to DCYF, church personnel must immediately personally report the suspicion to
21 local law enforcement and to the Delegate for Ministerial Conduct at (603) 669-3100.
22 When the alleged victim no longer is a minor, church personnel must immediately
23 personally report the suspicion to the Delegate for Ministerial Conduct at (603) 669-
24 3100. Church personnel may seek the advice or assistance of their pastor, principal, or
25 supervisor if doing so does not unduly delay the report.
26

27 C. Reporting Requirements of the Office for Ministerial Conduct. The Office
28 for Ministerial Conduct will follow the reporting requirements for all church personnel.
29 In addition, whenever it has reason to suspect that a minor has been sexually abused by
30 church personnel, the Office for Ministerial Conduct immediately will make a report to
31 the New Hampshire Attorney General's office.
32

33 D. Notice to Complainants. The Office for Ministerial Conduct will notify
34 those who make reports of sexual abuse to the Office for Ministerial Conduct that their
35 allegations will be reported to DCYF (if the complainant is under the age of eighteen)
36 and law enforcement (the Attorney General's office).
37

38 E. Cooperation with Civil Authorities. Church personnel must cooperate
39 with civil authorities in connection with investigations into allegations of sexual abuse.
40

41 F. Failure to Comply. Church personnel who fail to comply with the
42 reporting procedure required by law and/or contained in this Policy will be subject to

¹⁴ The reporting requirements of church personnel are greater than those required by New Hampshire law and are consistent with the requirements contained in the December 10, 2002, agreement between the State of New Hampshire and the Diocese of Manchester.

1 disciplinary action, up to and including appropriate canonical penalties for priests and
2 deacons, and up to and including termination from employment or from volunteer
3 ministry with the Church for other church personnel.
4

5 **II. Reporting Noncompliance in Policy Administration**

6
7 A. Noncompliance by Heads of Church Institutions, the Auxiliary Bishop,
8 Vicar(s) General, Vicars Forane, or the Delegate for Ministerial Conduct. Whenever
9 church personnel believe that the Head of a Church Institution, the Auxiliary Bishop,
10 Vicar(s) General, Vicars Forane, or the Delegate for Ministerial Conduct has failed to
11 enforce this Policy, church personnel should first attempt to resolve the matter with the
12 Head of the Church Institution, Auxiliary Bishop, Vicar(s) General, Vicars Forane, or the
13 Delegate for Ministerial Conduct. Complaints about the Head of a Church Institution that
14 have not been resolved at the institutional level should be reported to the Delegate for
15 Ministerial Conduct at (603) 669-3100. Complaints about the Auxiliary Bishop, Vicar(s)
16 General, Vicars Forane, or the Delegate for Ministerial Conduct should be reported to the
17 Diocesan Bishop at (603) 669-3100.
18

19 B. Noncompliance by the Diocesan Bishop. If church personnel believe that
20 the Diocesan Bishop may have violated or failed to enforce this Policy, church personnel
21 should first attempt to resolve the matter by notifying the Diocesan Bishop at (603) 669-
22 3100. Individuals with complaints that have not been resolved after addressing the matter
23 with the Diocesan Bishop may report the matter to the metropolitan Archbishop of
24 Boston or the Apostolic Nuncio of the Holy See.¹⁵ This aspect of the Policy conforms to
25 *A Statement of Episcopal Commitment* by the United States Conference of Catholic
26 Bishops.¹⁶
27

28 **III. Prohibiting Retaliation**

29
30 A. Retaliation Prohibited. The policy of the Diocese is to encourage
31 individuals to make reports in accordance with this Policy. As a result, individuals who
32 make reports in accordance with this Policy will not be subjected to retaliation for
33 making the reports.
34

35 B. Reporting Retaliation. Church personnel who believe that they have been
36 subjected to retaliation for making reports under this Policy should report the matter to
37 the Delegate for Ministerial Conduct by telephone at (603) 669-3100 or should submit a
38 specific letter to the Delegate for Ministerial Conduct or the Bishop at 153 Ash Street,
39 P.O. Box 310, Manchester, NH 03105.

¹⁵ The Apostolic Nuncio to the United States represents the Holy Father both to the hierarchy and the Church of a particular nation and to that nation's civil government. The Apostolic Nuncio can be reached at the Embassy of the Holy See, 3339 Massachusetts Ave., N.W., Washington, D.C., 20008; (202) 333-7121. A metropolitan archbishop is head of an episcopal province, which is a grouping of dioceses. The metropolitan archbishop for the Diocese of Manchester is the Archbishop of Boston, 2101 Commonwealth Ave., Boston, MA, 02135-3192; (617) 782-2544.

¹⁶ A Statement of Episcopal Commitment, U.S. Conference of Catholic Bishops, June 3, 2003.

DOCUMENTATION

I. Records Regarding Sexual Abuse. All records regarding sexual abuse of minors will be maintained for the life of the accused, or the longest period of time permitted by Church and civil law, whichever is longer. Records regarding allegations of sexual abuse must be kept in a format that facilitates their availability to church personnel with a legitimate need to know about the allegations subject to the discretion of the Bishop of Manchester under appropriate Church and civil law.

II. Unified Personnel Documentation Systems

A. Use of Unified Clergy Personnel Documentation Systems. The Diocese shall continue to maintain unified clergy personnel documentation systems to enable those responsible for assigning clergy to consider the full record of each cleric in the making of ministerial assignments. The record of each cleric shall commence upon entering seminary or preparation for the diaconate and continue to be maintained for the period of time established by Church law.

B. Safe Environment Database. The Diocese shall establish and maintain a database containing certain information regarding church personnel to enable the Diocese to audit compliance with the screening and training requirements contained in this Policy and to enable parishes to determine whether applicants previously employed by other parishes were in good standing. Access to this database shall be restricted to those parish, school, and diocesan representatives responsible for screening and only as necessary to fulfill their responsibilities.

COMMUNICATIONS

I. General Principles

A. Policies and Procedures. The Diocese of Manchester shall institute and follow communications procedures that assist the Diocese in fulfilling its mission and that foster mutually beneficial relationships among all those in the Church in New Hampshire, as well as other communities in the state, including the general media. In all communications, the Diocese shall adhere to a standard of openness, honesty, and candidness.

B. Sexual Abuse of Minors. The Diocese will deal as openly as possible with members of the community while respecting the privacy and reputation of the individuals involved. The Diocese will be sensitive in assisting and supporting parish communities directly affected by ministerial misconduct involving minors. The Diocese will follow a program of regular and ongoing communications to increase awareness and understanding of the problem of child sexual abuse. Communications will include information about the problem of child sexual abuse of minors; the means of reporting

1 actual or suspected abuse and communicating allegations; and the services available to
2 those who have been abused and to their families.

3
4 C. The Diocesan Website. The Diocesan website will include a section
5 dedicated to child safety that will contain, among other things, the Policy and other
6 information about the problem and prevention of child sexual abuse.

7 8 **II. Policy Distribution**

9
10 A. Distribution to Church Personnel. The Policy shall be distributed to all
11 church personnel who regularly work with minors and all clerics assigned to ministry by
12 the diocesan bishop and all clerics who serve in supply ministry. Church personnel shall
13 be required to acknowledge (either in writing or other verifiable web-based program)
14 receipt of the Policy and their obligation to read and abide by the provisions contained in
15 the Policy. Supervisors, managers, personnel managers, and/or directors should
16 periodically review with church personnel the standards, policies, and reporting
17 procedures contained in this Policy.

18
19 B. Availability of Policy to the Christian Faithful and the Public. The Policy
20 will be available to the communities of all diocesan parishes, schools, and institutions and
21 to the public in print and on the diocesan website (www.catholicchurchnh.org).

22 23 **III. Public Announcements**

24
25 A. Mandatory Reporting Requirements of Church Personnel. Pastors must
26 periodically remind parishioners about provisions contained in the Policy by including
27 them in Church bulletins or other means deemed to be pastorally appropriate for the
28 dissemination of such important pastoral announcements. Of particular note is the need
29 for the regular publication of the mandatory reporting requirements under state law and
30 this Policy. The Diocese will use a wide variety of means as part of an ongoing effort to
31 inform clergy and laity how to report either abuse or allegations against church personnel.

32
33 B. Informing of the Process of Making a Complaint of Sexual Abuse. The
34 Diocese shall develop a communications plan to remind the public about the procedures
35 for making complaints of sexual abuse and other violations of the Policy. Means of
36 communication may include, but are not limited to, the following:

- 37
38 1. distributing printed materials with reporting and contact information to
39 parishes, schools, and other institutions of the Diocese;
40
41 2. requesting that pastors publish information in weekly church bulletins;
42
43 3. including reporting and contact information in relevant news releases;
44
45 4. posting regularly on the diocesan website reporting and contact
46 information; and

1
2 5. distributing reporting and contact information at appropriate diocesan
3 and parish functions.
4

5 C. Services Available to Those Who Have Been Abused and to Their
6 Families. Through the Director, Office for Healing and Pastoral Care, the Diocese offers
7 advocacy, access to counseling, support, and assistance to victims, survivors, and families
8 of child sexual abuse. The means of communicating this information include, but are not
9 limited to, the following:

- 10
11 1. displaying contact information prominently on the diocesan website;
12
13 2. requesting that pastors publish information in weekly church bulletins;
14
15 3. distributing reporting and contact information at appropriate Diocesan
16 and parish functions;
17
18 4. distributing information through members of the civil and legal
19 communities; and
20
21 5. distributing news releases with reporting and contact information.
22

23 D. Allegations of Sexual Abuse by Church Personnel.
24

25 1. Administrative Leave. If a priest or other person in the
26 employment of the diocese is placed on administrative leave during an
27 investigation, the Diocese may report that the person is on administrative leave to
28 the parish, ministry, or place of employment of the individual. The Diocese will
29 respond to media inquiries by stating that the individual is on administrative leave
30 pending the conclusion of the investigation and the canonical process. The
31 Diocese may also disclose the general nature of the investigation process and the
32 particular restrictions that pertain to a person on administrative leave.
33

34 2. The Conclusion of the Investigation. At the conclusion of an
35 investigation, canonical trial, or administrative process, the Diocese will notify
36 the complainant of the results of the investigative and canonical process,
37 including any restrictions on ministry. Notifications to the complainant and to
38 communities affected by the allegations will be made at an appropriate time and
39 in an appropriate manner with consideration for the privacy of the complainant
40 and the rights of the cleric accused of engaging in sexual abuse of a minor. When
41 an individual is acquitted following an investigation and the allegation was made
42 public, the Diocese will consult with the accused cleric before determining what
43 announcements that it will make and what steps it will take to restore the
44 individual to ministry, work, or service. The Diocese will assist in restoring the
45 good reputation to the individual at an appropriate time and as soon as possible.
46

MEASURING PROGRESS AND ACCOUNTABILITY

I. General Principles

In order to restore the trust and confidence of victims, parishioners, Catholics, and the public at large in the Church's ability to prevent child abuse and identify and heal those who have been abused, the Diocese of Manchester will be accountable for its efforts and performance in these matters. The Diocese shall evaluate the effectiveness of its child protection efforts at regular intervals to determine whether it is meeting the needs of the Church, the faith community, and the victims and their families in the most effective and responsive ways possible.

II. Compliance Audit

The Diocesan Review Board will conduct a regular compliance audit of the Office for Ministerial Conduct regarding compliance with this Policy and will subsequently make a public report to the Christian faithful regarding the compliance audit and the work of the Office for Ministerial Conduct.

In conducting the audit, the Diocesan Review Board may consult with, among others, the members of the Diocesan Safe Environment Council. The Diocesan Review Board has the authority to use consultants in reviewing and monitoring the operation and effectiveness of the policy and in conducting the compliance audit.

III. Policy Review

At least once every four years, the Diocesan Review Board will review the diocesan policies for dealing with sexual abuse of minors and recommend to the Bishop any changes to the policies. The Diocesan Review Board also will offer the bishop advice on all aspects of cases involving sexual abuse, sexual exploitation, and sexual harassment, whether retrospectively or prospectively, including but not limited to providing input to the Delegate for Ministerial Conduct regarding the background screening of lay applicants, employees, or volunteers.

EXHIBIT C



The Catholic Church in New Hampshire

Code of Ministerial Conduct

Publication Date: December 29, 2003

Effective Date: March 19, 2004

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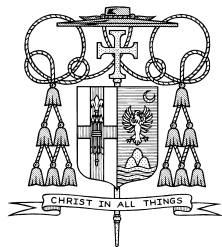
DIOCESE OF MANCHESTER MISSION STATEMENT

We are the Catholic Church of New Hampshire, a portion of God's people rich in our tradition and in our diversity, striving in faith for fullness of life.

In communion with the Bishop of Rome and the Church throughout the world, our mission is to witness to the Good News of Our Lord Jesus Christ in the power of the Holy Spirit by

- Worshiping God in Word and Sacrament,
- Proclaiming and sharing our Faith,
- Promoting holiness of life through continuing conversion,
- Serving human needs, especially those of the poor and the oppressed,
- Forming Christian communities on the family, parish and diocesan levels,
- Fostering reconciliation and harmony among the people of our diocese, our state, our nation, and our planet.

Faithful to the constant teaching of the Church, we also pledge to collaborate with all peoples, especially with other Christian Churches and with Jewish communities, as we devote ourselves to being thankful, responsible stewards of God's gracious and bountiful gifts. While we journey in Faith, we anticipate with joy the day when Christ will come again and everything will be complete in God's love.



OFFICE OF THE BISHOP
DIOCESE OF MANCHESTER

Dear Sisters and Brothers in Christ:

As disciples of the Lord, we share the great joy of knowing the love of God for each and every individual. This *Serving Christ, Serving Others: Code of Ministerial Conduct* ("Code") has been developed in consultation with many people who share in the ministry of Christ in the Diocese of Manchester. In a very real sense, this Code expresses our common mission as well as the expectations that we have of ourselves and others who serve in church ministry.

Sharing in the ministry of Christ not only is a great privilege for us but also a profound responsibility. We are to conduct ourselves in a spirit and manner that allows Christ to act and speak through our work. This Code lays open the common and individual responsibilities we have to care for others as the Lord Himself would do. May the continuation of our journey in ministry be strengthened by this expression of our common mission and unique identity.

On behalf of the people of God, I express my gratitude to the priests, deacons, religious, and laity who minister in the Church in New Hampshire. You serve well and with great generosity. Through the contribution of your many talents, gifts and time, you are helping people to come to know the love and care that God and His Church have for them and their families.

I would like to express my appreciation to the members of the Code of Conduct Work Group who have served as consultants on this important project. I would also like to thank Professor Elona Lucas of Saint Anselm College, who provided editorial expertise, and to all with whom I consulted in the development of this Code, especially the members of the Council of Priests, the Diocesan Pastoral Council, and the Task Force on Sexual Misconduct Policy. Finally, to the many laity, religious and clergy who reviewed drafts of this work to ensure that it is effective and relevant to our ministry in the Lord, I offer you a heartfelt thanks.

Christ in all things.

Bishop of Manchester

INTRODUCTION

Called to be disciples of the Lord, Christians serve others as Jesus did. Empowered by the gifts of the Holy Spirit, we witness the unconditional love of God the Father for all. Answering the call of discipleship, we fulfill the mission of the Church.

While none of us is perfect, we are called to be made perfect by modeling our lives and ministry on the Lord. A commitment to integrity of life is a deeply personal decision and relies on support from the community. It is in this spirit that the *Serving Christ, Serving Others: Code of Ministerial Conduct* (“Code”) has been developed. We each must be responsible for personal integrity as disciples of the Lord as well as hold one another accountable to a set of standards that resonates with the Gospel itself. As priests, deacons, consecrated religious and laity who minister in Catholic parishes, schools, and institutions, we seek to uphold Christian values and conduct.

When our conduct models the Lord’s, it can inspire and motivate people. When we fail to serve others in a manner that is faithful to our vocation as Christian disciples, it can undermine the faith that others have in us, and even in the Church herself. Mindful of this responsibility, we rely on God’s grace to support us in our ministry. When we fail, we must be confident that the Lord and the Church will seek justice rooted in mercy.

Effective ministers know that part of being faithful to the Lord includes our individual need for ongoing formation and growth in discipleship. Our formation needs to involve dimensions that are intellectual, human, pastoral and, above all, spiritual. Intellectual formation enables us to transmit the faith that has been passed on to us. Human formation helps us to make personally healthy decisions. Pastoral formation ensures that we bring the Lord to others in a way that manifests that we are all members of the Body of Christ.

Spiritual formation is the bedrock of our life in the Lord. A regular discipline of personal, communal, and liturgical prayer helps us to be nourished with the food and drink of Life that we seek to share with others. We need to root our entire life and ministry in a personal relationship with Christ – the One whom we bring to others and the One whom we seek to serve in others.

This Code does not presume to address all situations that may face those of us who minister in the Church. It is intended to help frame a sense of personal integrity in ministry and to articulate our common responsibility.

The responsibility for adhering to this Code rests with each and every person who serves in ministry in the Diocese of Manchester. Each person should adopt the principles of this Code and commit to hold one another accountable to them. When church personnel are uncertain whether a particular situation or course of conduct violates this Code, they should consult the Delegate for Ministerial Conduct in order to determine the proper response. Church personnel who disregard this Code will be subject to appropriate disciplinary action in accordance with church and civil law.

The sexual abuse of a minor is a serious crime under both civil and church law. It is a profound violation of the human rights of the minor and seriously wounds the entire community of the Church. The sexual abuse of a minor by any church personnel is a violation of this Code. However, given the gravity of this crime and the need for particular vigilance in raising awareness and preventing child sexual abuse, the Diocese of Manchester has developed a more detailed policy regarding the sexual abuse of minors.¹

¹ The *Protection of Children and Young People: Policy and Procedures* for the Diocese of Manchester can be found on the Child Safety web page of the diocesan website: www.catholicchurchnh.org.

APPLICABILITY AND GENERAL DEFINITIONS

I. Applicability

This *Serving Christ, Serving Others: Code of Ministerial Conduct* (“Code”) applies to all church personnel employed or engaged in ministry for the Diocese of Manchester, its parishes, Catholic regional and high schools, institutions, and agencies.

Because of the grave responsibilities associated with their work and positions, **bishops, priests, and deacons are held to higher standards of behavior than other church personnel.** Thus, bishops, priests, and deacons not only are required to comply with the standards of behavior included in this Code, they are also expected to avoid even the appearance of impropriety both inside and outside the scope of their ministry.

II. General Definitions for the Purposes of This Code

A. **Church Personnel:** The following are included in the definition of “church personnel”:

1. Clerics (bishops, priests, and deacons) who are incardinated in the Diocese of Manchester or who are granted authority (faculties) to exercise ministry therein. Some faculties are granted by Church law itself and others are granted by the Bishop of Manchester.
2. Members of religious institutes (women and men religious) assigned to ministry in the Diocese, its parishes, Catholic schools, institutions, or agencies.
3. Lay employees and volunteers, including
 - a. Seminarians assigned to pastoral work in the Diocese of Manchester; seminarians seeking incardination in this Diocese; and those men enrolled in the Permanent Diaconate Formation Program;
 - b. All paid personnel, whether employed in areas of ministry or other kinds of services by the Diocese, its parishes, Catholic schools, institutions, or other agencies;
 - c. All volunteers. A volunteer is any person who performs a Church-related service without promise or expectation of monetary compensation on a regular and continual basis, including but not limited to catechists, coaches, youth ministers, lectors, ushers, Boy Scout leaders,

Catholic Youth Organization volunteers, day care volunteers, volunteer camp counselors, members of a parish pastoral council, members of a parish finance council, children or youth choir directors, and parish outreach workers.

- B. **Code:** The term “Code” refers to this *Serving Christ, Serving Others: Code of Ministerial Conduct*.
- C. **Heads of Church Institutions:** “Heads of Church Institutions” are individuals who are responsible for the pastoral administration of diocesan parishes, Catholic schools, or institutions. Examples of Heads of Church Institutions are bishops (and their delegates), pastors, principals, and directors of nursing homes or children’s homes.

GENERAL PRINCIPLES OF ETHICS AND INTEGRITY IN MINISTRY

I. Standards for Ethical and Moral Behavior

It is fundamental to the pastoral mission of the Diocese of Manchester for all church personnel to exhibit the highest ethical standards and personal integrity at all times.

Beyond the obvious standards for correct moral behavior in Sacred Scripture and the Tradition of the Church (i.e., the Ten Commandments, the Beatitudes, the Catechism of the Catholic Church), church personnel are required to

- A. act or behave in a manner consistent with accepted Catholic standards of moral or ethical conduct;
- B. act in a manner consistent with civil law and Church law;
- C. comply with diocesan standards, policies, and instructions, including this Code;
- D. avoid situations where they might be perceived as formally rejecting the teachings of the Catholic Church and the Christian way of life or promoting causes in direct conflict with the teachings of the Catholic Church;
- E. act in a manner consistent with a commitment to maintain a celibate and/or chaste lifestyle;
- F. refrain from abusing alcohol or drugs; and
- G. engage in conduct that has a positive impact on the reputation of the Diocese or any of its parishes, schools, institutions, and agencies.

II. Standards for Integrity in Ministry

A. Prevention of Harassment including Sexual Harassment²

Every human person is created in the image and likeness of God. The dignity of the human person is such that we ought to treat others as children of God and as we would want to be treated ourselves. Harassment of any type obviously violates the dignity of the person who is harassed, but it also contributes to the overall deterioration of the human dignity owed to every person in society.

Church personnel shall thus be mindful of the following:

1. Church personnel must not engage in physical, psychological, written, or verbal intimidation or harassment of any person at any time, particularly those whom we serve as well as other church personnel.
2. Church personnel must not engage in sexual harassment or any inappropriate behavior of a sexual nature toward other church personnel, parishioners, or others.
3. Church personnel must not discriminate against any individual on the basis of race, color, national origin, gender, religion, sexual orientation, age, physical or mental disability, pregnancy, or military or veteran status, except where such status is a legitimate occupational qualification in accordance with civil and Church law.
4. While it is not possible to list all behavior that is considered to be harassment or sexually inappropriate, prohibited conduct includes, but is not limited to
 - slurs, epithets, derogatory comments;
 - unwelcome jokes, comments, and teasing;
 - inappropriate physical contact or gestures;
 - sexual advances and emphasis on sexual or racial identity;
 - displaying written materials, pictures, or other items that are offensive or sexually suggestive;
 - viewing sexually suggestive or otherwise inappropriate written materials, websites, electronic mail messages, or other items while on Church property or while performing duties or engaged in ministry for the Church;
 - other conduct that has the purpose or effect of unreasonably interfering with an individual's performance at work or creates an intimidating, hostile, or offensive working environment.
5. Harassment can occur as a result of a single severe incident or a pattern of conduct that results in the creation of a hostile, offensive, or intimidating work environment. Harassment can be indirect and can take place even when the offender does not intend to offend, intimidate, or otherwise do harm. Whether conduct is considered to be harassment is based, in part, on whether a reasonable person under the circumstances would view the conduct as creating a hostile, offensive, or intimidating work environment.
6. Church personnel are required to report harassment, including sexual harassment, in accordance with the reporting policy contained in this Code. Church personnel are prohibited from retaliating against individuals who make good faith reports of harassment.

² The term "sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal, physical, and nonphysical conduct of a sexual nature between adults when (1) submission to such conduct is made explicitly or implicitly a term or condition of employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual or for awarding or withholding a favorable employment opportunity, evaluation, or assistance; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's performance at work, or creates an intimidating, hostile, or offensive work environment.

B. Prevention of Sexual Exploitation³

The understanding of the human person in the Roman Catholic tradition calls everyone to live a life of faithful chastity that views human sexuality in light of the Gospel. Faithful married life, consecrated religious life, and celibacy for some deacons and all priests and bishops are each examples of a commitment to chastity that reflect the understanding that human sexuality is a gift from God. Human sexuality is exclusively oriented to the communion of a husband and wife that reflects the unity of the life of God and results in the creation of new life in the procreation of children.

The promotion of this understanding of the human person is part of what the Church teaches. Therefore, the expression of human sexual attraction through sexual intimacy between persons who minister in the Diocese of Manchester and those whom they serve is never appropriate.

Church personnel shall thus be mindful of the following:

1. Church personnel must not engage in sexual intimacies with anyone other than their legitimate spouse. This prohibition would include, but not be limited to, anyone to whom church personnel are ministering; anyone whom they are supervising; anyone who is particularly vulnerable to manipulation because of a physical or mental disability; and anyone who does not have equal power or perceived power in the relationship. For example, a principal may not have a sexual relationship with a teacher in that school if the two are not married to one another.
2. For the purpose of this policy, the term “sexual intimacies” means sexual contact of any kind (consensual or otherwise) as well as sexually explicit conversations not related to the legitimate duties of church personnel, such as the transmission of the teachings of the Church in a legitimate catechetical ministry. An example of legitimate discussions that refer to sexual intimacies is the preparation of couples engaged to be married that is administered by church personnel.

C. Prevention of Conflicts of Interest

Persons who seek the service of the Lord in the Church ought to be able to do so without any doubt of whose interests church personnel serve. It is important that even the appearance of a conflict of interest by church personnel be avoided so that persons who seek the Lord in our midst know that in addition to Christ, they are the ones whom church personnel seek to serve.

Church personnel shall thus be mindful of the following:

1. Church personnel should avoid placing themselves in a position that might present a conflict of interest because the existence or the appearance of a conflict of interest can call into question one’s integrity and professional conduct.
2. The potential for a conflict of interest exists in many circumstances. Examples of such situations and behavior by church personnel include, but are not limited to, conducting private business or other dealings with the Church or any of its members; accepting substantial (non-token) gifts for services or favors; employing or engaging in transactions with one’s friends or relatives; soliciting personal loans or requests for financial assistance from parish members, vendors, parish organizations, or employees; acting with partiality toward employees or church members; or violating a confidence of another for personal gain.
3. A conflict of interest may exist when church personnel give family and/or friends unlimited access to church facilities or resources when they are not available to other parishioners. To that end, no person shall reside in a parish building unless assigned by the bishop to minister in the parish. Parish employees and the family members or friends of a priest shall not be provided a residence on parish property without the explicit written permission of the bishop. This blanket prohibition does not apply to a visit or a brief stay.
4. A conflict of interest may also exist in ministerial relationships. Church personnel must establish clear, appropriate boundaries with anyone with whom they have a business, professional, personal, familial, or social relationship.

³ The term “sexual exploitation” means any contact of a sexual nature between an adult and another receiving pastoral care and sexual activity between adults with unequal power or perceived power (e.g., a priest and parishioner; a principal and a teacher). Sexual exploitation also includes sexual activity between an adult and a “vulnerable individual,” defined as a person who has reached eighteen years of age and who is particularly susceptible to manipulation because of a mental or physical disability.

D. Confidentiality

Persons who seek the service of the Lord in the Church expect church personnel to do so with a desire to serve the truth and their needs. Confidentiality in the discourse of ministry must serve the truth. Ministerial confidentiality requires church personnel to be vigilant in keeping persons' confidence while, at the same time, not digressing to keeping secrets that might allow harm to come to anyone.

Church personnel shall thus be mindful of the following:

1. Many people who come to the Church for help expect that church personnel will refrain from disclosing personal and sensitive information they share with church personnel. Church personnel therefore should maintain their confidentiality, except as required by law or as set forth in the paragraphs below.
2. Church personnel must comply with all reporting requirements mandated by New Hampshire law, reporting requirements contained in any agreement between the State of New Hampshire and the Diocese of Manchester, and the requirements contained in the *Protection of Children and Young People: Policy and Procedures* regarding the reporting of sexual abuse of a minor.
3. In accordance with Church law, the sacramental seal of confession is inviolable, and it is absolutely forbidden for a confessor to betray the confidence of a penitent in any way, for any reason. This is applicable whether the penitent is living or dead. Violation of the sacramental seal of confession is considered to be a grave delict (a serious crime) against church law.⁴
4. Information obtained in the course of counseling sessions shall be confidential, except for compelling professional reasons, as required by law, or as required by the reporting requirements for sexual abuse contained in this Code. Church personnel are also bound to safeguard the confidentiality of any notes, files, or computer records pertaining to professional contact with individuals to the extent consistent with the obligation to report abuse or prevent harm.
5. If, during the course of counseling, church personnel become aware that there is clear and imminent danger to the counselee or to others, church personnel must disclose the information necessary to protect the parties involved and to prevent harm. If feasible, church personnel should inform the counselee about the disclosure and the potential consequences.
6. With the exception of knowledge gained during the Sacrament of Penance, knowledge that arises from professional contact may be used in teaching, delivering homilies, or other public presentations only when effective measures have been taken to safeguard both the individual's identity and the confidentiality of the disclosures. Good pastoral judgment is of the utmost importance.

III. Standards for Spiritual and Pastoral Counseling Relationships⁵

A. Respecting the Rights and Welfare of Those Counseled

Persons who seek the Lord in the Church ought to be confident that the spiritual and pastoral counseling that is offered to them is presented in a manner that conforms to Sacred Scripture and the teaching Tradition of the Church. Church personnel must be committed to transmitting the truth in a manner that respects the rights and welfare of those served.

Church personnel shall thus be mindful of the following:

1. Church personnel who conduct counseling for families, individuals, or groups must respect their individual rights and work to advance the welfare of each person.
2. Church personnel are expected to avoid situations and conduct in which they do in fact or appearance take advantage of anyone to whom they are providing services in order to further their personal, religious, political, or business interests.
3. Church personnel shall not overstep their competence in counseling situations and shall refer to other professionals when appropriate. The professional boundaries for church personnel are dictated by their training and/or certification from a recognized professional association of peers or licensure from the State of New Hampshire.

⁴ 1983 *Code of Canon Law*, c. 1388. The inviolability of the sacramental secrecy also extends to those who deliberately, accidentally, or in any other way come to a knowledge of sins from confession, and individuals who violate the sacramental seal may be "punished with a just penalty, not excluding excommunication." 1983 *Code of Canon Law*, cc. 984, 1388.

⁵ The standards set forth in this Code are minimum requirements for church personnel. Some professional counselors and therapists may be required to comply with additional behavioral directives and codes of ethics.

B. Maintaining Appropriate Boundaries

Persons who seek the Lord in the Church ought to be confident that the church personnel who serve them know the appropriate boundaries in a ministerial relationship. Sometimes, church personnel need to explain and even articulate these boundaries to persons who seek help from the Church but who may not themselves know what constitutes an appropriate boundary.

Church personnel shall thus be mindful of the following:

1. Church personnel shall set, communicate, and maintain clear, appropriate boundaries in all counseling and counseling-related relationships.
2. Church personnel must never engage in sexual intimacies with those they counsel. This includes consensual sexual contact, forced sexual contact, and sexually explicit conversations not related to counseling issues.
3. Church personnel shall not engage in sexual intimacies with counselee's relatives, friends, or other individuals close to the counselee. Church personnel should presume that a potential for exploitation or harm exists in such intimate relationships.
4. Physical contact with the counselee can be misconstrued. Great care should be taken in any physical contact beyond a handshake.
5. Sessions should be conducted in appropriate settings at appropriate times and should not be held at places or times that would tend to cause confusion about the nature of the relationship for the counselee. No sessions should be conducted in private living quarters. Church personnel should keep a log of the times and places of sessions with each counselee.

VIOLATIONS OF THE CODE OF MINISTERIAL CONDUCT

I. Reporting Incidents, Allegations, and Concerns

An environment of personal integrity in ministry requires that a culture of accountability among church personnel be established and maintained in a spirit of understanding that our individual conduct reflects the intention of the entire Church.

Some reporting requirements are required by civil and Church law, especially when church personnel believe that a minor is at risk of abuse. Other reporting requirements are required by this Code and seek to build a culture of accountability.

A culture of accountability also requires that reports of inappropriate behavior be investigated in a manner in which the dignity of the person who makes the report, the person who is accused of inappropriate behavior, and the person who may have been harmed are all treated fairly and justly. The administration of discipline for violations of this Code is oriented to the care of the person(s) who may have been harmed, the repair of any damage done to any person or the Church herself, and the correction of the person who may have violated the Code. Some violations can only be adequately corrected by the removal of a person found to have so harmed another person or the Church that their presence in ministry is harmful to the common good and the good of the Church.

- A. **Reporting Requirements of Church Personnel.** The Diocese is dedicated to taking steps to ensure that the Church is a safe and welcoming environment for all people and that it is free from harassment and intimidation. It is imperative that every member of the Church community participate actively in the protection of minors as well as others who minister or worship in our Church. Church personnel therefore have a duty to report observations of violations of this Code. **If Church personnel suspect that a minor has been subjected to abuse, they must comply with the reporting requirements under New Hampshire law and the Diocese of Manchester Protection of Children and Young People: Policy and Procedures.**⁶

⁶ The Diocese of Manchester *Protection of Children and Young People: Policy and Procedures* can be found on the Child Safety page of the Diocese of Manchester website: www.catholicchurchnh.org.

B. **Reporting Procedures.** Reports of unethical behavior or other violations of the Code may be made to any one of the following:

1. the Head of the Church Institution where the conduct took place;
2. the Delegate for Ministerial Conduct at (603) 669-3100; or
3. the Delegate for Ministerial Conduct or the Bishop at 153 Ash Street, P.O. Box 310, Manchester, NH 03105-0310. All written reports should state specifics.

C. **Requirements of Heads of Church Institutions.**

If a violation of the Code by a cleric is reported to the Head of a Church Institution, this individual must promptly gather additional information about the nature of the concern and immediately contact the Delegate for Ministerial Conduct for consultation. If the Head of a Church Institution becomes aware of an allegation of sexual exploitation, sexual harassment, harassment, or inappropriate conduct of a sexual nature involving a minor by church personnel, the institution head must make a report to the Delegate for Ministerial Conduct for consultation.⁷

II. Retaliation

- A. **Retaliation Prohibited.** It is the policy of the Diocese to encourage individuals to make reports in accordance with this Code. As a result, individuals who make reports in accordance with this Code will not be subjected to retaliation for making the reports.
- B. **Reporting Retaliation.** Church personnel who believe that they have been subjected to retaliation for making reports under this Code should report the matter to the Delegate for Ministerial Conduct by telephone at (603) 669-3100 or should submit a specific letter to the Delegate for Ministerial Conduct or the Bishop at 153 Ash Street, P.O. Box 310, Manchester, NH 03105.

III. Investigating Concerns

- A. **Conducting the Investigation.** All reports of violations of this Code will be taken seriously whether or not complaints are submitted in accordance with the reporting procedures contained in this Code. Investigations into allegations of unethical behavior or violations of this Code will be conducted thoroughly and expeditiously, with objectivity, fairness, and justice as well as with due regard for the privacy and reputations of all involved. Investigations will be conducted by trained individuals in accordance with Church law.⁸
- B. **Administrative Leave.** In certain instances, a person accused of violating the Code may be placed on administrative leave while the investigation is pending. The fact that an accused has been placed on administrative leave should in no way be interpreted as a presumption of guilt or wrongdoing.

IV. Disciplinary Action

Church personnel who engage in unethical behavior or otherwise fail to abide by the standards contained in this Code will be subjected to appropriate remedial and/or disciplinary action, up to and including appropriate canonical penalties for clergy and termination of employment or volunteer ministry with the Church. The action taken will be just and in proportion to the seriousness of the violation and will depend upon a number of factors, including but not limited to disciplinary record, the type, circumstances, and severity of the offense, and position with the Church. If the offense does not include sexual abuse of a minor, the action taken could include return to ministry under certain conditions, including compliance with a treatment and/or monitoring plan, or reassignment to ministry other than ministry at a parish or ministry involving family life. Records regarding sexual exploitation by clerics will be maintained for the longest period of time permitted by Church law and will be considered by the bishop and his advisors in making ministerial assignments.

⁷ As stated above, if church personnel (including Heads of Church Institutions) suspect that a minor has been subjected to abuse, they must comply with the reporting requirements under New Hampshire law and the *Protection of Children and Young People: Policy and Procedures*.

⁸ Church law means the 1983 *Code of Canon Law*, particular law of dioceses in the United States, and particular law of the Diocese of Manchester.

V. Pastoral Care and Support

- A. Individuals Subjected to Unethical Behavior.** The Diocese will extend appropriate pastoral care to those directly affected by allegations of unethical behavior or other violations of the standards in this Code by church personnel. Where appropriate, the Director of the Office for Healing and Pastoral Care will coordinate pastoral care and counseling, spiritual assistance, and other social services for those subjected to unethical behavior by church personnel and will listen with patience and compassion to their experiences and concerns.
- B. Individuals Accused of Unethical Behavior.** The Delegate for Ministerial Conduct will coordinate any appropriate pastoral care and counseling, spiritual assistance, and other social services for church personnel accused of unethical behavior.
- C. Communities Affected by Allegations.** The Diocese will extend appropriate pastoral care to the parishes, schools, or institutions directly affected by allegations of unethical behavior by church personnel. When an individual is placed on or requests administrative leave as a result of an allegation, the Delegate will consult the leadership of the parish, school, or institution to determine what the appropriate pastoral response of the Diocese should be and whether additional public notification is appropriate. The response and any notification must protect the rights of the accused and the confidentiality of the complainant.



Code of Ministerial Conduct

ACKNOWLEDGEMENT

Please read the following statements and sign below to indicate your receipt and acknowledgment of this Diocese of Manchester *Serving Christ, Serving Others: Code of Ministerial Conduct* (the “Code”). If you are an employee or volunteer, please return the signed document to your supervisor. If you are a cleric, please return the signed document to the Delegate for Ministerial Conduct. This acknowledgment will become a permanent part of your personnel file.

- I have received and have reviewed a copy of the Code. I understand that it is my obligation to abide by the provisions contained in this Code.
- I understand that this Code is not a contract and does not grant any rights to continued employment, ministry, or volunteer service. I understand that the Diocese of Manchester reserves the right to change, modify, and/or revise any part of this Code at any time but that the Diocese will notify church personnel of any changes to the Code as soon as possible.

Signature: _____

Name (please print clearly): _____

Home Address: _____

Home Tel. No.: _____

Parish/School/Agency: _____

Position: _____

Date: _____

EXHIBIT D

DIOCESE OF MANCHESTER

Screening and Training Protocol for Church Personnel

Effective May 1, 2006¹

INTRODUCTION

The whole of the Christian faithful in the Church are responsible for promoting a culture of care and concern and a safe environment for children and young persons. This screening protocol was developed to contribute to the ongoing promotion of a culture of common accountability and a safe environment for all children and young persons.

The development of a formal structure for the screening of all church personnel has been principally motivated by the commitment of the Diocese to contribute to and provide structures to ensure a safe environment for all children and youth who participate in activities sponsored by the Church. This screening protocol therefore is focused on screening those who regularly work with minors in their ministry, particularly those who serve as *in loco parentis* (in place of parent) caretakers. However, all bishops, priests, deacons, and seminarians of the Diocese of Manchester are also subject to background screening, regardless of whether they work directly with minors. The diocesan bishop, pastors, Catholic school principals, and institutional directors assume particular responsibilities for ensuring that persons who regularly work with minors in the Church in New Hampshire comply with this screening protocol.

APPLICABILITY

Because of the nature of their positions, clergy assigned to ministry by the diocesan bishop in the Diocese as well as those who serve in supply ministry² in the Diocese are subject to these screening requirements. In addition, all those who serve as employees in diocesan administration and all employees and volunteers who regularly work with minors (those under the age of 18) are subject to background screening. Individuals under the age of 18 are not subject to this screening protocol.

1. An individual is considered to be a “volunteer” within the meaning of this screening protocol if the individual performs a Church-related service without promise or expectation of monetary compensation on a regular and continual basis. A “regular and continual basis” for the purpose of this screening protocol means at least two times per

¹ This Screening Protocol replaces and supercedes the Background Screening Protocol made effective on March 19, 2004. This Screening Protocol applies to clerics, seminarians, employees, and volunteers hired or beginning their ministry after May 1, 2006. Those hired or who began their ministry before May 1, 2006, and who regularly work with children as defined in this protocol must comply with the screening requirements in effect between March 19, 2004 and May 1, 2006.

² “Supply ministry” means ministry as a substitute or fill-in where the priest is not assigned by the bishop. For example, a retired priest who celebrates Mass at a parish for a pastor who is ill or on vacation serves in “supply ministry.”

month for three months or at least six times per year. It also includes volunteer chaperones for overnight trips supervising minors.

2. “Clergy” subject to this screening protocol include the following:
 - a. Priests and deacons incardinated in the Diocese of Manchester who are assigned to pastoral ministry in the Diocese of Manchester by the diocesan bishop.
 - b. Priests who are members of religious institutes or who are incardinated in other dioceses and deacons incardinated in other dioceses who are assigned to pastoral ministry in the Diocese of Manchester by the diocesan bishop.
 - c. Priests who are engaged in part-time or supply ministry in parishes in the Diocese of Manchester.
3. Employees and volunteers who serve in an *in loco parentis* (in place of parent) capacity or otherwise supervise minors are considered to “regularly work with minors” for the purposes of this screening protocol. The following positions are considered to “regularly work with minors:”

Parish Employees and Volunteers

Catechetical leaders (facilitators, coordinators, directors)

Catechists and religious education aides

Pastoral associates and ministers

Youth ministers

Day Care/After School Care employees and volunteers

Chaperones for overnight trips involving minors

Youth or Family Choir Directors

Catholic Youth Organization volunteers (including coaches)

Altar server coordinators/trainers

Leaders and volunteers of Scout troops and youth organizations sponsored by the parish

Diocesan Catholic school employees and volunteers

All employees and volunteers in Catholic schools, regardless of responsibility. This includes, but is not limited to, substitute and student teachers and chaperones for overnight trips. This does not include school board members unless the members also regularly work with minors in the school.

Diocesan Camp Fatima and Camp Bernadette Employees and Volunteers

All employees and volunteers in the diocesan camps, regardless of responsibility. This does not include the members of the board of directors for the camps unless the members also regularly work with minors at the camp.

4. “Employees in diocesan administration” include individuals employed by the Diocese of Manchester to work in the diocesan administration building or the Tribunal.

5. “Seminarians” means men who are sponsored by the Diocese of Manchester to study for the priesthood in a seminary and who have completed at least their first year of study. The screening and training requirements must be completed before they are assigned to pastoral work in the Diocese of Manchester.

SCREENING AND TRAINING REQUIREMENTS

The following are the minimum screening standards and training requirements for the various personnel categories. The diocesan administration, parishes, Catholic schools, and other institutions have discretion to implement additional background checks. For example, a motor vehicle record check may be required of all church personnel who drive as part of their assignment.

These standards are subject to ongoing review and change; any amendments will be approved by the Bishop of Manchester in accordance with church and civil law.

1. Clergy and Seminarians

This category includes all clergy and all seminarians as defined above. Clergy and seminarians are subject to thorough background screening, extensive interviews, reference checking, and psychological examinations prior to acceptance for ecclesiastical studies or ordination. However, in addition to the thorough screening required of priests and deacons, clergy and seminarians must undergo or complete the following:

- a. *Screening Form for Clerics, Religious and Persons in Ecclesiastical Studies*
- b. State Criminal Records Check (NH or state in which the individual has resided in the past five (5) years)³ or J1 Work VISA if not a resident of the United States
- c. Check of the National Sex Offender Registry⁴
- d. Acknowledgement Form for *Promise to Protect, Pledge to Heal* Policy and Serving Christ, Serving Others Code of Ministerial Conduct
- e. Attendance at a *Protecting God’s Children* workshop
- f. At least once every three (3) years, participation in refresher training on sexual abuse awareness and reporting.

2. Employees

³ The procedure for obtaining out-of-state criminal records checks is discussed more fully below.

⁴ The National Sex Offender Registry is found on the US Department of Justice website: www.nsopr.gov. The procedure for conducting the National Sex Offender Registry check and all other screening checks can be obtained from the Diocese of Manchester Safe Environment Compliance Coordinator (603-669-3100).

a. Diocesan Administration Employees and Parish Employees who Regularly Work with Minors

This category includes all diocesan administration employees and parish employees who regularly work with minors as defined above. Diocesan administration employees and parish employees who regularly work with minors must undergo or complete the following:

- i. *Diocese of Manchester Employment Application*
- ii. State Criminal Records Check (NH or every state in which the individual has resided in the past five (5) years) or J1 Work VISA if not a resident of the United States
- iii. Check of the National Sex Offender Registry (www.nsopr.gov)
- iv. References check (3 references)
- v. Face-to-face interview
- vi. Acknowledgement Form for *Promise to Protect, Pledge to Heal* Policy and *Serving Christ, Serving Others* Code of Ministerial Conduct
- vii. Attendance at a *Protecting God's Children* workshop
- viii. At least once every three (3) years, participation in refresher training on sexual abuse awareness and reporting.

b. Diocesan Catholic School Employees

This category includes all diocesan Catholic school employees. Diocesan Catholic school employees must undergo or complete the following:

- i. *Employment Application*⁵
- ii. State Criminal Records Check (NH or every state in which the individual has resided in the past five (5) years) or J1 Work VISA if not a resident of the United States
- iii. FBI Fingerprint Check
- iv. Check of the National Sex Offender Registry (www.nsopr.gov)
- v. References check (3 references)
- vi. Face-to-face interview
- vii. Acknowledgement Form for *Promise to Protect, Pledge to Heal* Policy and *Serving Christ, Serving Others* Code of Ministerial Conduct
- viii. Attendance at a *Protecting God's Children* workshop
- ix. At least once every three (3) years, participation in refresher training on sexual abuse awareness and reporting.

c. Diocesan Camp Employees

⁵ The particular employment application depends upon the position for which the individual applies (e.g., Principal, Faculty, or Staff).

This category includes all employees of Camp Fatima and Camp Bernadette. Diocesan camp employees must undergo or complete the following:

- i. *Diocese of Manchester Camp Employment Application*
- ii. State Criminal Records Check (NH or every state in which the individual has resided in the past five (5) years) or J1 Work VISA if not a resident of the United States
- iii. Check of the National Sex Offender Registry (www.nsopr.gov)
- iv. References check (3 references)
- v. Face-to-face interview (whenever possible)
- vi. Acknowledgement Form for *Promise to Protect, Pledge to Heal* Policy and Serving Christ, Serving Others Code of Ministerial Conduct
- vii. Attendance at a *Protecting God's Children* workshop
- viii. At least once every three (3) years, participation in refresher training on sexual abuse awareness and reporting.

3. Volunteers who Regularly Work with Minors

This category includes all volunteers in parishes who regularly work with minors as well as all volunteers in Catholic schools and diocesan camps. Individuals in this category must undergo or complete the following:

- i. *Diocese of Manchester Volunteer Application*⁶
- ii. State Criminal Records Check (NH or every state in which the individual has resided in the past five (5) years) or J1 Work VISA if not a resident of the United States
- iii. Check of the National Sex Offender Registry (www.nsopr.gov)
- iv. Acknowledgement Form for *Promise to Protect, Pledge to Heal* Policy
- v. Attendance at a *Protecting God's Children* workshop
- vi. At least once every three (3) years, participation in refresher training on sexual abuse awareness and reporting.

4. Independent Contractors

Some diocesan schools, camps, and parishes may utilize independent contractors who regularly work with minors (more than two times per month for at least three months or six times per year) as cafeteria workers, maintenance personnel, or instructors. Those diocesan schools, camps, and parishes that utilize such independent contractors must include the following language in all contracts with independent contractors that will regularly work with minors:

⁶ Note that parish volunteers who have not been registered in the parish for at least six (6) months must provide a letter of reference from their previous pastor. See Special Considerations (below).

The [Contractor] agrees that it will not assign to work in [the parish, school, or camp] any person who has ever been convicted of any of the following crimes that would disqualify them from working in a school under New Hampshire law: capital murder, first degree murder, second degree murder, manslaughter, aggravated felonious sexual assault, felonious sexual assault, sexual assault, kidnapping, incest, endangering the welfare of a minor or incompetent, indecent exposure or lewdness in the presence of a minor, prostitution, child pornography, computer pornography, and child exploitation. The [Contractor] is responsible for conducting all appropriate background checks. The [Contractor] agrees that all person(s) it assigns to [the parish, school, or camp] will comply with and observe all applicable rules and regulations concerning conduct that [the parish, school, or camp] imposes on its employees, including but not limited to, reporting suspected child abuse in accordance with New Hampshire law. The [Contractor] agrees to submit to [the parish, school, or camp] documentation demonstrating that [Contractor] has complied with these screening and training requirements.

As an alternative, the school, parish, or camp may require that the contractor undergo the same screening and sexual abuse training requirements applicable to its employees.

BACKGROUND SCREENING AND TRAINING RESPONSIBILITIES

1. Pastors, Principals, and Diocesan Camp Directors: Pastors, principals, and diocesan camp directors are responsible to ensure that all employees and volunteers subject to this background screening and training protocol comply with this protocol and are responsible for ensuring that contracts with independent contractors subject to this protocol include the required language. The safe environment coordinators assigned by the pastors and principals may assist the pastors and principals with their responsibilities. Among other duties, pastors, principals, and directors are responsible for the following:
 - a. Distribute to employees and volunteers subject to this protocol the necessary screening and acknowledgement forms;
 - b. Send completed criminal records forms with the required fee to the Office for Ministerial Conduct;
 - c. Conduct national sex offender registry checks for all employees and volunteers subject to this protocol through the Department of Justice website;
 - d. Forward to the Office for Ministerial Conduct any completed Employment and Volunteer applications that indicate that the applicants have criminal records or were found to have sexually abused a minor;
 - e. Schedule *Protecting God's Children* training for employees and volunteers and/or notify them of the availability of and necessity for attending such training;
 - f. Ensure that employees and volunteers subject to this protocol have attended *Protecting God's Children* and have completed refresher sexual abuse awareness training; and

- g. Maintain records of compliance with this protocol and forward the same to the Office for Ministerial Conduct.
2. Office for Ministerial Conduct: The Office for Ministerial Conduct is responsible to ensure that all clerics and diocesan administration employees subject to this background screening protocol comply with this protocol. In addition, the Office for Ministerial Conduct is responsible for, among other things, the following:
- a. Assist in processing all state criminal records checks in accordance with this protocol;
 - b. Review and process any employment or volunteer applications in accordance with this protocol;
 - c. Update the safe environment database;
 - d. Conduct National Sex Offender Registry checks on all clerics and diocesan administration employees subject to this protocol; and
 - e. Oversee and enforce compliance with this protocol by the parishes, schools, and diocesan camps.

SPECIAL CONSIDERATIONS

1. Parish Volunteers: Individuals who have not been registered with their parish for at least six (6) months must obtain a letter of reference from the pastor of their former parish or a supervisor of the former parish, if the individual was in ministry in that parish. If the individual has been a member of the current parish for at least six months but failed to formally register, the individual may obtain the letter of reference from his or her current pastor.
2. Undocumented Volunteers: Some volunteers may be reluctant to undergo a criminal record check or a sex offender registry check because they do not have permission to live or work in the United States. If the volunteers are unwilling or unable to undergo these criminal records checks, they will not be eligible for ministry regularly working with minors.
3. State Criminal Records Checks (Other than New Hampshire): Individuals who reside (or in the last five years have resided) in a state or states other than New Hampshire must undergo a criminal records check in that state(s). If a criminal records check is needed in Massachusetts or Vermont, the necessary forms can be obtained from the Office for Ministerial Conduct. With respect to all other states, the employee or volunteer must obtain a criminal background check from that state(s) and produce it to the parish, school, camp, or diocese (as applicable). The check must be dated within three (3) months of hire or beginning volunteer service. The Office for Ministerial Conduct can prepare a letter requesting the criminal records check if needed.
4. Minors Doing Ministry: Minors involved in ministry with other minors are not required to complete screening forms or attend *Protecting God's Children* training.

Minors involved in ministry with other minors must be directly supervised by employees or volunteers who have completed the screening and training requirements for those who regularly work with minors.

5. Deadline/Update: Paid personnel and volunteers subject to the screening requirements contained in this protocol must complete all requirements within thirty (30) days of hire or beginning volunteer service. Failure to complete these requirements within thirty days will render them ineligible for service until the requirements are fulfilled. All individuals subject to the screening requirements contained in this protocol are required to update the information contained on the screening or applications forms and are required to update their criminal history information within fourteen (14) days of any change. Thus, a volunteer arrested for or convicted of a crime after his or her application or criminal records check to the Diocese must report the arrest or conviction to the pastor, principal, or the Office for Ministerial Conduct within 14 days of the arrest or if not arrested, within 14 days of the conviction. With respect to sexual abuse awareness training, employees must complete the *Protecting God's Children* training as part of their orientation process (usually within 30 days of beginning employment), while volunteers must complete the training within 3 months of beginning volunteer service.

6. Criminal Records Checks Conducted Prior to March 19, 2004: Prior to March 19, 2004, some parishes in the Diocese of Manchester required that employees and/or volunteers undergo criminal records checks. The results of those criminal records checks may be maintained by those parishes and are not required to be forwarded to the Office for Ministerial Conduct. However, the parishes must report to the Diocese the dates on which the criminal record checks took place.

7. Title I and other Public School Teachers and Personnel in Catholic Schools:⁷ Title I teachers and other personnel assigned by the public schools to work with students in Catholic schools are not considered to be Church personnel and therefore are not subject to the screening and training requirements of this protocol.

8. Protecting God's Children Training in Another Diocese: Individuals required under this protocol and diocesan policy to attend *Protecting God's Children* training can satisfy this training requirement by attending a VIRTUS *Protecting God's Children* training session in a diocese or eparchy other than the Diocese of Manchester if they submit to the Diocese, parish, school, or camp certificates of attendance and review the Diocese of Manchester Mandatory Reporting Requirements for Church personnel with the pastor, principal, director, safe environment coordinator, or Office for Ministerial Conduct staff.

9. Refresher or Ongoing Training: Individuals required under this protocol and diocesan policy to undergo refresher or ongoing sexual abuse awareness training must do so within three (3) years of March 19, 2004 (the effective date of the *Promise to Protect*,

⁷ Public school personnel undergo criminal records checks and FBI fingerprint checks in accordance with New Hampshire law, RSA 189:13-a.

Pledge to Heal Policy) or within three (3) years of attending *Protecting God's Children* training, whichever is later.

ANALYSIS OF SCREENING/CRIMINAL RECORD RESULTS

1. **Sex Offender Registry checks:** Any individual identified through the national registry or through any state or federal sex offender registry as a registered sex offender is ineligible for ministry in the Diocese of Manchester.

2. **Applications and Screening Forms:**

Completed screening forms and applications that indicate that applicants have criminal records or have been found to have sexually abused a minor must be forwarded to the Office for Ministerial Conduct. The Office for Ministerial Conduct will review the forms to determine the category below into which the offense(s) fall and process the forms accordingly.

3. **Criminal Records:**

Criminal records checks are initiated at the parish, school, camp, or diocesan level. For New Hampshire, Massachusetts, and Vermont criminal records checks, notarized authorization forms are sent by the appropriate entity (parish, school, camp, diocesan office) to the Office for Ministerial Conduct for processing. The authorization forms should clearly indicate which forms pertain to employees and which forms pertain to volunteers. The parishes, schools, and camps will be required to reimburse the Diocese for the cost of the criminal records checks. As discussed above, the Massachusetts and Vermont criminal record authorization forms can be obtained by the Office for Ministerial Conduct.

With respect to criminal records checks for states other than New Hampshire, Vermont, or Massachusetts, after receiving the criminal record results from the employee or volunteer, the parish, school, camp, or diocesan office must forward the results to the Office for Ministerial Conduct for review and filing.

If the criminal records check indicates “no record found,” the Office for Ministerial Conduct will send confirmation of same to the appropriate entity (parish, school camp, diocesan office). Criminal records checks that indicate that the applicant has a criminal record should be processed as set forth below.

4. **Process for Criminal Records and Applications and Screening Forms:** When the screening form, application, or criminal records check indicates that the applicant has a criminal record or was found to have sexually abused a minor, the Office for Ministerial Conduct will determine the category (A through D below) into which the offense(s) falls.

a. **Category A:**

Individuals convicted of a crime that would prohibit them from working in a school under New Hampshire law (RSA 189:13-a) are automatically disqualified from being assigned, employed or engaged as a volunteer for the diocese, its parishes, or its schools. Thus, individuals convicted of the following crimes may not be employed or volunteer for the Diocese or its parishes or schools: capital murder, first degree murder, second degree murder, manslaughter, aggravated felonious sexual assault, felonious sexual assault, sexual assault, kidnapping, incest, endangering the welfare of a child or incompetent, indecent exposure or lewdness in the presence of a child under 16 years old, prostitution, child pornography, computer pornography, and child exploitation.

Further, unless the individuals were juveniles at the time of the offense, the following convictions within twenty (20) years of employment or volunteer service will automatically disqualify an individual from working with minors: drug trafficking, drugs sales, illegal drug manufacturing, and assault resulting in serious bodily injury to another person.

The Office for Ministerial Conduct will notify the pastor, principal, or director (as appropriate) in writing that the applicant is not eligible for ministry in any position regularly working with minors. The pastor, principal, or director is then responsible for ensuring that the applicant is not permitted to engage in ministry regularly working with minors.

b. Category B:

An applicant convicted of a felony or three (3) or more misdemeanors involving moral turpitude other than those listed in Category A, including but not limited to theft, perjury, assault, and drug-related crimes, may be disqualified from regularly working with minors in the Church.

The Office for Ministerial Conduct will refer the matter for assessment to an investigator with a law enforcement or human resources background. The investigator will review the record and job position and where appropriate, contact the applicant, pastor, principal, and/or camp director. In order to be considered for ministry, individuals in this category must provide a written reference from the pastor, principal, or director attesting to the character of the applicant. The investigator will then develop a written recommendation as to whether the individual should be considered eligible for ministry regularly working with minors and forward it to the Office for Ministerial Conduct for review. The Delegate for Ministerial Conduct will present the investigator's recommendation as well as the Delegate's recommendation to the Diocesan Review Board. The Diocesan Review Board will consider the results and make a recommendation to the diocesan bishop, who will make the final decision as to eligibility for ministry. In making its recommendation, the Diocesan Review Board will consider, among other factors, the nature of the crime or offense, the

number and nature of the convictions, the date(s) when the incident(s) occurred, the age of the applicant at the time of the offense(s), and the relationship between the crime or offense and the position sought.

If the Delegate's or the Diocesan Review Board's recommendation is that the individual be deemed ineligible or restricted from ministry, the Office for Ministerial Conduct will contact the subject of the criminal records check to give him or her the opportunity to provide any information he or she deems relevant to the inquiry, including a recommendation from the pastor or principal.

Once the diocesan bishop's decision is made, the Office for Ministerial Conduct will notify the pastor, principal, or director (as appropriate) as to whether the applicant is eligible for ministry. If the applicant is determined to be ineligible for ministry, the pastor, principal, or director is then responsible for ensuring that the applicant is not permitted to engage in ministry regularly working with minors.

c. Category C:

An applicant convicted within ten (10) years of the application of fewer than three (3) misdemeanors involving moral turpitude, including possession of illegal drugs and assault may be eligible for ministry regularly working with minors.

The Office for Ministerial Conduct will refer the matter for assessment to an investigator with a law enforcement or human resources background. The investigator will review the record and job position and where appropriate, contact the applicant, pastor, principal, and/or camp director. The investigator will then develop a written recommendation as to whether the individual should be considered eligible for ministry regularly working with minors and forward it to the Office for Ministerial Conduct for review. The Delegate for Ministerial conduct will present the investigator's recommendation as well as the Delegate's recommendation to the Diocesan Review Board. The Diocesan Review Board will consider the results and make a recommendation to the diocesan bishop, who will make the final decision as to eligibility for ministry. In making its recommendation, the Diocesan Review Board will consider, among other factors, the nature of the crime or offense, the date when the incident occurred, the age of the applicant at the time of the offense, and the relationship between the crime or offense and the position sought.

If the Delegate's or the Diocesan Review Board's recommendation is that the individual be deemed ineligible or restricted from ministry, the Office for Ministerial Conduct will contact the subject of the criminal records check to give him or her the opportunity to provide any information he or she deems relevant to the inquiry, including a recommendation from the pastor or principal.

Once the diocesan bishop's decision is made, the Office for Ministerial Conduct will notify the pastor, principal, or director (as appropriate) as to whether the

applicant is eligible for ministry. If the applicant is determined to be ineligible for ministry, the pastor, principal, or director is then responsible for ensuring that the applicant is not permitted to engage in ministry regularly working with minors.

d. Category D:

An applicant convicted of fewer than three (3) misdemeanors more than ten (10) years before the application (other than the offenses in Category A) or convicted of a violation will not be deemed ineligible for ministry regularly working with minors based on the misdemeanor alone. The Office for Ministerial Conduct will notify the pastor, principal, or director (as appropriate) that the criminal record review did not deem the applicant ineligible for ministry regularly working with minors.

5. Safe Environment Database/Notification: After the appropriate process discussed above is completed, the Office for Ministerial Conduct will enter in the safe environment database one of the following designations with respect to that cleric, employee, volunteer, or applicant: eligible; ineligible; or restricted. The Office for Ministerial Conduct will also send a letter to the pastor, principal, or director (as appropriate), notifying him or her of the designation. If the designation is “restricted,” the letter will indicate what restrictions on ministry have been imposed.⁸

CONFIDENTIALITY OF RECORDS

1. Background Check Documentation

Parishes, schools, camps, and the diocesan administration must maintain applications, screening forms, and other personnel records in locked files with access limited only to those with a legitimate need to know.

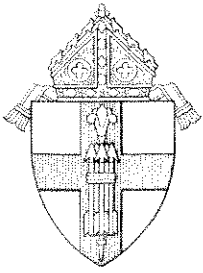
2. Confidentiality of Information

Parish, school, and diocesan personnel who have access to personnel information are required to maintain confidentiality and are prohibited from disclosing personnel information to individuals without a legitimate need to know.⁹

⁸ Examples of “restrictions” include prohibitions on working with money or having any responsibility over finances, and requiring annual criminal records checks.

⁹ Pastors, principals, safe environment coordinators, and the Office for Ministerial Conduct are permitted to share a list of “eligible” individuals with those responsible for hiring and assigning volunteers in parishes, schools, camps, and the diocesan administration without running afoul of this provision.

EXHIBIT E



Diocese of Manchester
Reverend Edward J. Arsenault
Moderator of the Curia
Secretary for Administration

153 Ash Street – Box 310
Manchester, N.H. 03105-0310
(603) 669-3100
Fax: (603) 669-0377

April 26, 2006

Kelly A. Ayotte, Esq.
Attorney General
33 Capitol Street
Concord, NH 03301-6397

Dear Attorney General Ayotte:

This letter is a follow up to the letter I sent to you dated March 30, 2006, in which I outlined the response of the Diocese of Manchester to your audit report. You will find enclosed with this letter a detailed action plan to address the concerns raised in your letter and a comprehensive response to the recommendations in the KPMG Report. In accordance with your request, the response to the KPMG recommendations includes our goals and objectives, clear identification of parties responsible for each action, and our calendar for implementation.

On pages 4 and 5 of your letter dated March 30, 2006, you bulleted six elements that you asked us to include in our response. The attached action plan responds to both the recommendations in the KPMG Report and to these six elements which are summarized as follows:

1. Review and Update of Diocesan Policies and Procedures: The *Promise to Protect, Pledge to Heal* Policy was developed and established after broad consultation with child protection experts, law enforcement (including your office), survivors of sexual abuse as a minor, laity (including parents), religious, and clergy. The policy, which became effective on March 19, 2004, includes a provision for the review of the policy by the Diocesan Review Board (DRB) two years after its implementation.

The Diocesan Review Board will continue its review of the policy at its regular meetings this spring and will make recommendations to Bishop McCormack about the policy during the summer. Prior to developing its recommendations for Bishop McCormack, the Diocesan Review Board will review all of the comments and recommendations that have been brought to its attention; including those raised in the DRB review report dated January 13, 2006; those raised in your March 27, 2006 letter; those in the October 14, 2005 KPMG Report; and those raised by people subject to the policy and other comments from the public. After consideration of these, any revisions to the current policy will be drafted. When the draft is complete,

your office will be provided with a copy for review. The draft, your comments, and all recommendations will then be considered by Bishop McCormack who, after the consultation that he deems to be appropriate, will publish the diocesan policy. It is worth noting that it belongs solely to Bishop McCormack to amend or change diocesan policy.

2. Staffing: In my letter to you of March 30, 2006, I indicated that the policy and practice of the Diocese of Manchester is that the Bishop of Manchester is the person ultimately responsible for the enforcement of diocesan policy. As regards the *Promise to Protect, Pledge to Heal* Policy, Bishop McCormack has delegated his authority to administer and enforce the Policy to me as his Delegate for Ministerial Conduct and to Ms. Diane Murphy Quinlan as the Associate Delegate for Ministerial Conduct.

In my letter to you of April 20, 2006, I noted that the Diocesan Review Board, after its review of the Office for Ministerial Conduct in 2005, recommended that the diocese hire a Compliance Coordinator. Ms. Mary Ellen D'Intino began work on March 20, 2006, and already has made a number of site visits to parishes, diocesan schools, and diocesan camps.

As I noted to you in my letter of March 30, 2006, the pastors of the parishes and principals of the diocesan schools are responsible for ensuring compliance with diocesan policies, not the Safe Environment Coordinators. The Office for Ministerial Conduct will direct any pastor or diocesan school principal who has not appointed a Safe Environment Coordinator to do so on or before June 30, 2006. Furthermore, you noted in your letter that there has not been "consistent oversight" by Safe Environment Council members over the Safe Environment Coordinators. Diocesan policy does not provide for the oversight of Safe Environment Coordinators by Council members. Instead, Safe Environment Coordinators are supervised by their respective pastor or diocesan school principal. The Safe Environment Council is a consultative body to the Office for Ministerial Conduct regarding safe environment programs, and it has no enforcement or oversight authority.

3. Compliance Enforcement that Incorporates Accountability Measures: Your office retained KPMG to conduct an audit of the diocese in June 2005, a little over one year after the screening obligations contained in our policy went into effect. Please note that the December 10, 2002 Agreement between the diocese and the state does not reference or require any background screening. From March 19, 2004 to the time KPMG visited our offices in June 2005, a great deal had been accomplished in implementing our diocesan policy. Over the last ten months much more has been completed. As I indicated to you last week, as of April 5, 2006, our central office records indicate a high level of compliance with our diocesan policy regarding background screening and training.

The initial work plan for the Compliance Coordinator is focused on two key issues. First, Ms. D'Intino has assembled a field review team that will visit all diocesan

schools in April and May 2006 and all parishes on or before October 31, 2006. The field review of each entity will identify whether all employees and volunteers who work regularly with minors at each location have fulfilled all diocesan requirements. This will also indicate whether the information from each location has been accurately reported to the Office for Ministerial Conduct. Second, Ms. D'Intino will contact and then revisit those locations where there either have been identified as gaps in information provided to the Office for Ministerial Conduct or where the requirements of the policy have not yet been met. We will use a risk-based perspective in scheduling such follow up visits. Remedial measures will be implemented for those locations in accordance with the attached action plan to assure that all employees and volunteers meet all diocesan requirements. Ms. D'Intino will provide updates to Ms. Diane Murphy Quinlan and me at weekly meetings. Ms. D'Intino will also provide written monthly reports to Bishop McCormack and to the Diocesan Review Board.

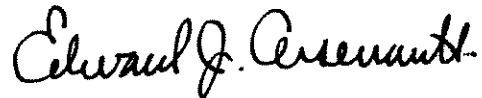
4. Oversight and Monitoring of Policy Implementation: In addition to the above noted reports by Ms. D'Intino, the Diocesan Review Board will continue to consider appropriate reviews and/or audits of the Office for Ministerial Conduct and/or any other diocesan locations in accordance with diocesan policy. In conducting such reviews and/or audits, the Diocesan Review Board will continue to have the authority to use outside consultants. The Diocesan Review Board will provide a report based on such reviews and/or audits to Bishop McCormack.
5. Internal and External Reconciliation of Reports: The diocese will continue to conduct internal reconciliation of our records on reporting. With respect to reconciling our records of complaints with the records of your office, I reaffirm our request that we meet on a periodic basis. The Office for Ministerial Conduct has been making reports to your office since December 10, 2002. I am confident that regular meetings to reconcile complaints made to the Office for Ministerial Conduct and reports by our office to yours will ensure you that all records are reconciled.
6. Quality Assurance Program: Numerous site visits of parishes, diocesan schools and entities will be performed by and under the direction of the Compliance Coordinator. These visits, in addition to holding training sessions, will result in increased interaction with the individual pastors, principals and safe environment coordinators. As a result of these visits and increased interaction, a portfolio of "best practices" utilized in advancing the protection of children and young people by the parishes, diocesan schools and other diocesan entities will be developed. These "best practices" will be shared among all the pastors, principals and safe environment coordinators throughout the diocese via the continued circulation of periodic bulletins and directives for use in meeting the objective of further protecting children and young people.

In your letter, you requested that we provide you with a mechanism for ongoing oversight and progress reports by the diocese "between annual audits." As I have stated before on several occasions, you or your staff are welcome to inquire of Diane Murphy

Quinlan or me at any time regarding any concern that you have about our compliance with the agreement or our policy. At the same time, I wish to remind you of the caution included in the March 22, 2005 order of Justice Carol Ann Conboy. Namely, what remains beyond the scope of the agreement and audit is any attempt by the state or KPMG "to institute a system of 'official and continuing surveillance,' or one which substitutes the State's value judgments for church policy."

I hope that this response is of assistance to you.

Sincerely yours,

A handwritten signature in black ink, reading "Edward J. Cavanaugh". The signature is written in a cursive style with a large, prominent "E" and "C".

Delegate for Ministerial Conduct

enclosures (2)

DIOCESE OF MANCHESTER
ACTION PLAN

April 26, 2006

Objective: To continually improve the policy of the Diocese of Manchester to advance the protection of children and young people in accordance with Church and state law.

This Action Plan addresses the six bulleted key elements contained on pages four and five of the March 27, 2006 letter from Attorney General Kelly A. Ayotte. The headings of each section reference each of the bulleted key elements. This Action Plan also substantially addresses the recommendations contained in the KPMG report dated October 14, 2005.

Review and Update of Diocesan Policies and Procedures

1. The Office for Ministerial Conduct will compile all comments and suggestions it has received for revisions to the *Promise to Protect, Pledge to Heal* Policy as a result of its solicitation of comments from the Safe Environment Council, safe environment coordinators, parishes, schools, and others. **To be completed on or before May 15, 2006.**
2. The Diocesan Review Board is currently reviewing our diocesan policy and procedures with assistance from the Safe Environment Council. The compilation of comments and suggestions noted above; those raised in the Diocesan Review Board review report dated January 13, 2006; those raised in the Attorney General's March 27, 2006 letter; and those in the October 14, 2005 KPMG Report will be assembled by the Delegates for Ministerial Conduct and presented to the Diocesan Review Board. **To be completed on or before May 30, 2006.**
3. Based upon the information and recommendations resulting from 1 and 2 above, any revisions to the current policy will be drafted. **To be completed on or before August 15, 2006.**
4. The Delegates for Ministerial Conduct will submit a copy of the draft to the New Hampshire Attorney General's office for comment. **To be completed on or before September 15, 2006.**
5. The Diocesan Review Board will present the draft with its recommendations for proposed changes to Bishop McCormack. Bishop McCormack will then engage in a consultation process regarding the draft with those he deems to be appropriate. **To be completed on or before October 15, 2006.**
6. Bishop McCormack will incorporate any revisions in the draft that he deems appropriate into the *Promise to Protect, Pledge to Heal* Policy. **To be completed on or before November 30, 2006.**

DIOCESE OF MANCHESTER
ACTION PLAN

April 26, 2006

7. The Delegates for Ministerial Conduct will complete any necessary revisions to diocesan written procedures, including but not limited to, the procedures with respect to training, screening, and investigations and its formal communications plan. **To be completed on or before January 31, 2007.**
8. Bishop McCormack will publish any revisions to the *Promise to Protect, Pledge to Heal* policy. **To be completed on or before March 19, 2007.**

Staffing

9. The diocesan Compliance Coordinator began work on **March 20, 2006**. The Compliance Coordinator has begun weekly meetings with the Delegates for Ministerial Conduct to provide updates on her work. The Compliance Coordinator will provide written monthly reports to Bishop McCormack and to the Diocesan Review Board. **To be initiated on or before April 30, 2006.**
10. The Delegates for Ministerial Conduct will issue a directive that all parishes and schools with unfilled Safe Environment Coordinator positions must submit to the Compliance Coordinator the name of their Safe Environment Coordinators on or before June 30, 2006. **To be completed on or before May 5, 2006.**
11. Written position descriptions will be developed for the Delegate for Ministerial Conduct and the Associate Delegate for Ministerial Conduct. **To be completed on or before May 30, 2006.**

Compliance Enforcement that Incorporates Accountability Measures

12. Initial Site Visits (**April 11, 2006 to October 31, 2006**) to Establish Benchmarks
 - a. Diocesan schools. The Compliance Coordinator or the field review team will visit all diocesan schools. **To be completed on or before May 15, 2006.**
 - i. The Compliance Coordinator and the field review team will review the information contained in the diocesan database as of May 1, 2006 and determine whether all requirements for training and screening have been recorded as completed for employees and volunteers who work in diocesan schools.

DIOCESE OF MANCHESTER
ACTION PLAN

April 26, 2006

- ii. The Compliance Coordinator will send a letter to the principal informing him or her of any deficiencies noted. The principal will be given 21 days from the date of the letter to provide the Office for Ministerial Conduct with any missing data, a letter stating that the employee or volunteer has completed the requirements, or a letter stating that the individual is inactive or has been separated from service. **To be completed on or before May 31, 2006.**
 - iii. On an on-going basis, the Office for Ministerial Conduct will continue to update the diocesan database for diocesan school employees and volunteers.
- b. Parishes and diocesan camps. The Compliance Coordinator or field review team will visit all parishes and diocesan camps. **To be completed on or before October 31, 2006.**
- i. The Coordinator or field review team will review the information contained in the diocesan database as of May 1, 2006 and determine whether all requirements for training and screening have been recorded as complete for employees and volunteers who work with minors.
 - ii. The Coordinator will send a letter to the pastor or camp director informing him or her of any deficiencies noted. The pastor or director will be given 21 days from the date of the letter to provide the Office for Ministerial Conduct with any missing data, a letter stating that the employee or volunteer who works with minors has completed the requirements, or a letter stating that the individual is inactive or has been separated from service. **To be completed on or before November 15, 2006.**
 - iii. On an ongoing basis the Office for Ministerial Conduct will continue to update the diocesan database for parish and camp volunteers who work regularly with minors.
13. Ongoing Site Revisits to Verify Continued Compliance (**November 1, 2006 - ongoing**)
- a. Based upon information obtained from the procedures performed and described above, from a risk-based perspective, the Delegates for Ministerial Conduct will work with the Compliance Coordinator to develop a schedule of site revisits to be completed by the Compliance Coordinator for parishes, diocesan schools, and other diocesan entities.

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- b. The Compliance Coordinator will continue to provide onsite training and guidance to the Safe Environment Coordinators.
 - c. The Compliance Coordinator will review compliance, in accordance with a review program established by the Delegates for Ministerial Conduct and the Compliance Coordinator, at each selected entity. A written report will be prepared detailing activity and measured outcomes for each entity.
 - d. In collaboration with the pastor/principal/director, the Compliance Coordinator will develop an action plan to address any deficiencies and necessary enhancements resulting from the visits to each of the entities. The Compliance Coordinator will establish timelines in which the deficiencies and enhancements will be addressed.
 - e. For those individuals (employees and volunteers) who work with minors and have any of the following documentation missing (signed acknowledgment form, signed employment application or signed screening form, evidence of sex offender registry check, evidence of criminal record check, evidence of attendance at *Protecting God's Children*), the Compliance Coordinator will inform the pastor/principal that the individual must be separated from active service until such time as the individual's documentation is complete. The Compliance Coordinator will obtain written verification from the pastor/principal that the individual has been separated from active service or written verification that the documentation is complete.
 - f. The Compliance Coordinator will prepare written reports as follows:
 - i. The Compliance Coordinator will include in the ongoing monthly written reports to Bishop McCormack and the Diocesan Review Board a summary of the activity and results of site revisits to parishes, schools, and other diocesan entities.

14. Diocesan Database Management

- a. The Delegates for Ministerial Conduct will require that parishes, diocesan schools, and diocesan camps submit updated information for the diocesan database on at least a semi-annual basis.
- b. The Compliance Coordinator will ensure compliance with the requirement of submission of information.

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- c. The Compliance Coordinator will reconcile, on at least a semi-annual basis, the diocesan database against data provided by parishes, diocesan schools, or diocesan camps.

Oversight and Monitoring of Policy Implementation

15. The Compliance Coordinator will provide a written report to Bishop McCormack and the Delegates for Ministerial Conduct summarizing the activity and results of the 2006 initial site visits to the diocesan schools. **To be completed on or before June 1, 2006.**
16. The Compliance Coordinator will provide a written report to Bishop McCormack and the Delegates for Ministerial Conduct summarizing the activity and results of the 2006 initial site visits to the parishes and diocesan camps. **To be completed on or before December 1, 2006.**
17. The Compliance Coordinator will include in the ongoing monthly written reports to Bishop McCormack and the Diocesan Review Board a summary of the activity and results of site visits to parishes, diocesan schools, and other diocesan entities (integrating response #15 and #16). **To be initiated on or before December 31, 2006.**
18. In accordance with the *Promise to Protect, Pledge to Heal* Policy, the Diocesan Review Board will continue to consider appropriate reviews and/or audits of the Office for Ministerial Conduct and/or any other diocesan locations in accordance with diocesan policy. In conducting such reviews and/or audits, the Diocesan Review Board will continue to have the authority to use outside consultants. The Diocesan Review Board will provide a report based on such reviews and/or audits to Bishop McCormack.

Internal and External Reconciliation of Reports

19. The Delegates for Ministerial Conduct will review and document the current record keeping procedure for reports received in the Office for Ministerial Conduct regarding the sexual abuse of a minor by church personnel. **To be completed on or before June 1, 2006.**
20. The Compliance Coordinator will regularly review a written reconciliation of complaints received in the Office for Ministerial Conduct with documentation of reports made to the New Hampshire Attorney General. **To be initiated on or before July 1, 2006.**
21. The Compliance Coordinator will reconcile the written reports received in the Office for Ministerial Conduct with the written reports received in the Office for Healing and Pastoral Care. **To be completed on or before July 1, 2006 and on an annual basis thereafter.**

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22. The Delegates for Ministerial Conduct have contacted the Attorney General's office to establish a mechanism to periodically reconcile the records of the Office for Ministerial Conduct and of the Attorney General's office with respect to reported allegations of sexual abuse of a minor by Church personnel.

Quality Assurance Program

23. Based upon results of reviews performed by the Compliance Coordinator, the Delegates for Ministerial Conduct will develop a portfolio of "best practices" utilized by parishes/schools/other diocesan entities. A "best practice" is an efficient and effective procedure. **To be completed on or before May 1, 2007.**
24. The Delegates for Ministerial Conduct will continue to circulate periodic bulletins and directives to parishes/schools/diocesan camps suggesting "best practices" that can be employed by the various parishes/schools/other diocesan entities.
25. The Compliance Coordinator will continue to provide instruction, guidance, and training to pastors, principals, and Safe Environment Coordinators on site visits.
26. Staff of the Office for Ministerial Conduct will continue to attend state, regional, or national conferences and meetings on safe environment programs and practices on at least an annual basis.
27. The Office for Ministerial Conduct will continue to hold training sessions and/or conferences at least on an annual basis for pastors, principals, Safe Environment Coordinators, and Safe Environment Council members.
28. The Office for Ministerial Conduct will continue to provide pastors, principals, and Safe Environment Coordinators with updated procedures, policies, and forms for their safe environment manuals whenever they change.

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Recommendation IV. A. 5. a.

"To ensure overall accountability, the Diocesan Policy should explicitly assign oversight of the Program to the Bishop, or in the alternative, reference the Diocese Administration Child Safety, which does state the "Bishop shall be responsible for enforcing the Policy on Sexual Abuse of Minors and the Code of Conduct."

Diocese of Manchester Response: See Action Plan Items 1,2,3,4,5,6,7,8

Recommendation IV. A. 5. b.

"To ensure clarity and accountability the Diocesan Policy should be enhanced to incorporate the roles and responsibilities of Program participants as defined in the Diocese Administration Child Safety document."

Diocese of Manchester Response: See Action Plan Items 1,2,3,4,5,6,7,8

Recommendation IV.A.5.c.

"The Diocese should develop a format for formal written reports to be provided to the Board and Bishop that provides insightful analysis and key performance indicators related to the Program and is designed to: 1) facilitate the Board and Bishop's ability to monitor and conclude on the Program's effectiveness; and 2) bring greater clarity and alignment of oversight activities around measurable program targets and results."

Diocese of Manchester Response: See Action Plan Items 15,16,17

Recommendation IV.A.5.d.

"The Office for Ministerial Conduct should enhance its understanding and appreciation for how to maintain an effective compliance program and relate the same to those individuals assigned direct Program compliance responsibilities (e.g. Pastors, Principals, and Safe Environment Coordinators) by providing additional instruction, guidance, and oversight."

Diocese of Manchester Response: See Action Plan Items 23,24,25,26,27,28

Recommendation IV. A. 5. e.

"The Diocese should formalize the roles and responsibilities of the Delegate and Associate Delegate in written job descriptions and performance evaluations to ensure accountability. Such responsibilities should include oversight, monitoring, and enforcement of the Program's initiatives."

Diocese of Manchester Response: See Action Plan Items 1,2,3,4,5,6,7,8,11

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Recommendation IV.A.5.f.

"The Diocese should establish a formalized system of ongoing accountability and oversight designed around monitoring compliance at the parish/school/camp level, to include assigning a Diocesan employee, preferably one with previous audit experience, who can work with the Safe Environment Coordinators to ensure that they are capturing the relevant information from their member parishes /schools /camps for timely forwarding to the Delegate's Office. Such oversight should include testing to ensure that: 1) all Church personnel are identified; 2) all Church personnel who work with minors have been appropriately identified as such; and 3) all screening requirements are being met."

Diocese of Manchester Response: See Action Plan Items 9,10,12,13,14

Recommendation IV.A.5.g.

"The Diocese should perform ongoing and regular risk assessments to ensure that the Diocese's limited resources are being appropriately allocated to the areas at greatest risk for exposure. As part of this process, the Diocese should examine factors that may give rise to significant risk areas (i.e., root cause analysis) or any other challenges to the prevention, detection, and response to sexual abuse as well as inappropriate conduct."

Diocese of Manchester Response: See Action Plan Item 13

Recommendation IV.B.1.e.1.

"The Office for Ministerial Conduct should reconcile the number of referrals sent to the Attorney General's Office with the number of referrals received by the Attorney General's Office since the date of the Agreement."

Diocese of Manchester Response: See Action Plan Item 22

Recommendation IV.B.1.e.2.

"Communication between the Diocese and the Attorney General should be enhanced to include a process that ensures that all Diocesan referrals have been properly received and recorded. Such reconciliations should be performed on a monthly basis to ensure that both parties are in agreement as to the total number of allegations reported, as well as to ensure that all incidents have received proper handling."

Diocese of Manchester Response: See Action Plan Item 22

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Recommendation IV.B.1.e.3.

"The Office for Ministerial Conduct should regularly reconcile the forms and spreadsheet it uses internally to record incoming reports of allegations against the reports it has filed with the Attorney General, DCYF, and/or law enforcement, as applicable."

Diocese of Manchester Response: See Action Plan Items 19,20

Recommendation IV.B. 1.e.4.

"The Diocese should update its Policy to reflect the agreement it reached with the Attorney General and review its current reporting practices to ensure it is reporting all cases involving current minors to both local law enforcement and the DCYF, and it is maintaining documentation of all such referrals."

Diocese of Manchester Response: See Action Plan Items 1,2,3,4,5,6,7,8

Recommendation IV.B. 1.e.5.

"The Diocese should update its Policy to specifically address how allegations of inappropriate conduct will be investigated and responded to, and when such allegations will be reported to the Attorney General and/or law enforcement."

Diocese of Manchester Response: See Action Plan Items 1,2,3,4,5,6,7,8

Recommendation IV. B. 2.e.1.

"The Diocesan Policy should be updated to incorporate language consistent with the Agreement and the Diocese's practice that all Church personnel will be removed from contact with minors pending the resolution of an investigation into allegations of abuse."

Diocese of Manchester Response: See Action Plan Items 1,2,3,4,5,6,7,8

Recommendation IV.B.2.e.2.

"The Diocese should ensure that all Church Personnel identified as potentially associated with inappropriate conduct, whether rising to the level of sexual abuse or not, be removed from active ministry and contact with minors. Furthermore, the Diocese should define the term "active ministry" in its Policy and Code to ensure that these personnel are properly identified, screened and supervised."

Diocese of Manchester Response: See Action Plan Items 1,2,3,4,5,6,7,8

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Recommendation IV.B.2.e.3.

"The Diocese should affirmatively confirm with the parishes that those individuals accused of abuse have been removed from service rather than solely relying on the pastor/principals for enforcement."

Diocese of Manchester Response: See Action Plan Items 12,13

Recommendation IV.B.2.e.4.

"The Delegate's Office should annually reconcile its files with those maintained by the Director of the Office for Healing and Pastoral Care to ensure that its records have been properly updated."

Diocese of Manchester Response: See Action Plan Item 21

Recommendation IV.B.2.e.5.

"The Diocese should perform an analysis of its handling of Priest A's case to identify potential gaps in the Program, which prevented the Diocese from enforcing its own Policy regarding the screening of all church personnel who regularly have contact with minors."

Diocese of Manchester Response: See Action Plan Items 1,2,3,4,5,6,7,8

Recommendation IV.B.2.e.6.

"Further, the matter should be dissected to identify potential gaps in the Diocese's Compliance Program relating to its not enforcing timely background screening requirements, or identifying certain "red flags," in existence at the time which may have prompted further administrative action concerning Priest A."

Diocese of Manchester Response: See Action Plan Items 1,2,3,4,5,6,7,8

Recommendation IV.B.2.e.7.

"The Diocese should consider notifying key parish personnel, in addition to the pastor, whenever a clergy/employee/volunteer in their parish has been accused of violating the Policy or the Code. For example, if the rectory employees were notified of Priest A's computer restrictions, they may have notified the Diocese long before it initiated its investigation. (The rectory employees later told Jim Lundt that they had observed Priest A using several rectory computers during his stay and that he had once asked an employee about erasing a "history of websites visited")."

Diocese of Manchester Response: See Action Plan Items 1,2,3,4,5,6,7,8

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Recommendation IV.B.2.e.8.

"The Diocese should require that its investigators provide it with written procedures regarding their investigative methodologies for accountability, consistency, and auditing purposes. The Diocese should also ensure that it has signed contracts in place with each of its investigators."

Diocese of Manchester Response: See Action Plan Items 1,2,3,4,5,6,7,8

Recommendation IV.C.1.e. 1.

"The Diocese should ensure that the new goals and dates which the Office for Ministerial Conduct outlined in its Fall 2005 newsletter are met, to ensure that all employees and volunteers who work with minors are properly screened. This screening verification should be documented in the individual's folder, at the Diocese or parish level, depending upon the person's position, and should include the following:

- *Completed screening forms;*
- *Documentation supporting reference checks performed';*
- *Signed acknowledgement forms (see Section C2 below);*
- *Completed CRR checks, in New Hampshire or out of state if the person recently moved to New Hampshire;*
- *Completed review of the appropriate state(s)' Sex Offender Registry; and,*
- *Documentation evidencing the individual's attendance at, and participation in, a Diocesan Protecting God's Children training session or, if applicable, a similar class offered by their prior Diocese (see Section C2 below).*

Diocese of Manchester Response: See Action Plan Item 12

Recommendation IV.C.1.e.2.

"Files maintained by the parishes/schools/ camps should be reconciled against the Diocesan database to ensure that it contains accurate and complete data regarding compliance with the Program's requirements for all Church Personnel. Thereafter, the database should be reconciled against parish/school/camp records on a monthly basis to maintain its accuracy and usefulness as a tracking tool."

Diocese of Manchester Response: See Action Plan Item 14

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Recommendation IV.C.1.e.3.

"The Diocese and its Safe Environment Coordinators should conduct reference checks on new employees and volunteers as specified in the USCCB's Guidelines for Implementation of Safe Environment Programs."

Diocese of Manchester Response: See Action Plan Items 1,2,3,4,5,6,7,8

Recommendation IV.C.1.e.4.

"Either reference to or military background records should not be accepted as proof that the person in question does not have a recent criminal record."

Diocese of Manchester Response: See Action Plan Items 1,2,3,4,5,6,7,8

Recommendation IV.C.1.e.5.

"Criminal records checks should be performed at least every five years. To ensure their authenticity, the checks should also be performed by the Diocese or one of its representatives, and not procured by the applicant."

Diocese of Manchester Response: See Action Plan Items 1,2,3,4,5,6,7,8

Recommendation IV.C.1.e.6.

"Going forward, the Delegate's Office should work with the Safe Environment Coordinators to reconcile the number of CRR requests sent to the state police with the number of results returned to the Delegate."

Diocese of Manchester Response: See Action Plan Items 23,24,25,27,28

Recommendation IV.C.1.e. 7.

"The Delegate should provide the Safe Environment Coordinators with enhanced guidance and updated training to reinforce the process for screening employee/volunteers for service and tracking the results of such screening in a consistent format."

Diocese of Manchester Response: See Action Plan Items 23,24,25,26,27,28

Recommendation IV.C.1.e.8.

"The Diocesan Policy and Screening Protocol should be updated to provide enhanced guidance on performing checks of the sex offender registry."

Diocese of Manchester Response: See Action Plan Items 1,2,3,4,5,6,7,8

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Recommendation IV.C.1.e.8.

"Guidance should include specifics as to when (e.g. prior to employment), which registries should be reviewed (e.g. all states in which applicant has resided), and how such reviews should be documented."

Diocese of Manchester Response: See Action Plan Items 23,24,27

Recommendation IV.C.2.e.1.

"The Diocese, its parishes, schools, and camps should implement a system to ensure that every employee and volunteer who works with minors will be trained in PGC within a reasonable time period and that their attendance is properly recorded at both the parish and Diocesan level. KPMG would suggest that the Office for Ministerial Conduct and the newly appointed Sister Haight work together to ensure that all of the required personnel receive the appropriate training."

Diocese of Manchester Response: See Action Plan Items 13,14,23,24,27

Recommendation IV.C.2.e.2.

"The Delegate's Office should examine its records and reconcile them to the parish and PGC attendance datasheets to determine the exact number of individuals who have received PGC training as well as to determine which personnel are currently not in compliance."

Diocese of Manchester Response: See Action Plan Item 14

Recommendation IV. C.2.e.3.

"The three-month period for volunteers to complete training seems excessively long. Traditionally, compliance time- tables for such critical training are between 14 to 30 days. KPMG would recommend that the other Safe Environment Coordinators follow the Camp Fatima model which requires that all new employees and/or volunteers attend training within a two-month period."

Diocese of Manchester Response: See Action Plan Items 1,2,3,4,5,6,7,8

Recommendation IV. C.2.e.4.

"The Diocese should issue a mandate requiring all Church Personnel to use the VIRTUS on-line program. While the Fall 2005 Newsletter lists September 15, 2005 as a goal for registering on VIRTUS, it does not state that all individuals must participate in the on-line training by a specific date."

Diocese of Manchester Response: See Action Plan Items 1,2,3,4,5,6,7,8

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Recommendation IV.C.2.e.4.

"The Diocese should also provide training to the Safe Environment Coordinators so that they can utilize the VIRTUS administration function to ensure that all parish/school/camp employees and volunteers have registered and are actively participating in the program."

Diocese of Manchester Response: See Action Plan Items 25,26

Recommendation IV.C.2.e.5.

"Any and all exceptions to the training requirements should be formalized in the Diocese's written Policy."

Diocese of Manchester Response: See Action Plan Items 1,2,3,4,5,6,7,8

Recommendation IV.C.2.e. 6.

"The Diocese should finalize and post its annual communications plan on its website."

Diocese of Manchester Response: See Action Plan Items 1,2,3,4,5,6,7,8

Recommendation IV.C.2.e. 7.

"The Diocese should develop and publish a formal communications plan which outlines the Program and its evolution. The plan should also be updated periodically and the Diocese should consider incorporating the feedback it receives into future plans."

Diocese of Manchester Response: See Action Plan Items 1,2,3,4,5,6,7,8

Recommendation IV.C.2.e. 8.

"The Diocese should consider utilizing independent hotlines as additional methods for reporting possible violations of the Safe Environment Program and/or the sexual abuse of minors".

Diocese of Manchester Response: See Action Plan Items 1,2,3,4,5,6,7,8

Recommendation IV.C.2.e. 9.

"The Diocese, its parishes, schools, and camps should implement a system to ensure that all Church Personnel complete an Acknowledgement form as required."

Diocese of Manchester Response: See Action Plan Item 12

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Recommendation IV.D.5.a.

"The Delegate's Office should compare and reconcile its documentation to that of the parishes, schools, camps, the Office for Healing and Pastoral Care and the Attorney General's Office to ensure that there is universal agreement about the accuracy of the Delegate's information regarding Diocesan personnel."

Diocese of Manchester Response: See Action Plan Items 14,21,22

Recommendation IV.D.5.b.

"In the case of Diocesan camps, the Safe Environment Coordinator should not wait until the end of the camp season before he forwards his datasheets to the Delegate's Office for data entry. The Delegate's Office should review the camp employee/ volunteer information with the camp coordinator prior to the camp season to ensure that the necessary documents have been obtained before the initiation of the summer session(s)."

Diocese of Manchester Response: See Action Plan Item 14

Recommendation IV.E.5.a.

"KPMG agrees with the Associate Director of Finance's recommendation that the Diocese should employ at least one experienced auditor who can assist the parishes, schools and camps with implementing and monitoring their compliance with the Diocese's Program."

Diocese of Manchester Response: See Action Plan Item 9

Recommendation IV.E.5.b.

"The Diocese should also require that its independent auditors conduct extensive and intensive reviews of its systems to ensure that it is in full compliance with the Agreement, its own Policy, and the previously mentioned leading industry standards. Such reviews should not be predicated by advanced notice to the selected parishes as this could potentially alter the results of the review."

Diocese of Manchester Response: See Action Plan Item 18

Recommendation IV.E.5.c.

"The Diocese should develop a formalized system of accountability, allowing it to enforce the Program's mandates and take appropriate disciplinary measures against individuals /parishes that do not meet their obligations under the Program."

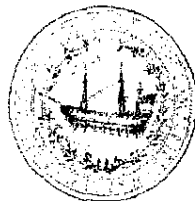
Diocese of Manchester Response: See Action Plan Items 1,2,3,4,5,6,7,8

EXHIBIT F

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

KELLY A. AYOTTE
ATTORNEY GENERAL



ORVILLE B. "BUD" FITCH II
DEPUTY ATTORNEY GENERAL

June 15, 2006

Bishop John McCormack
c/o Brian M. Quirk, Esq.
Preti, Flaherty, Beliveau, Pachios & Haley
57 North Main Street
P.O. Box 1318
Concord, New Hampshire 03302-1318

Re: Audit of 2002 Agreement between State and Diocese

Dear Bishop McCormack:

We have received Fr. Edward Arsenault's April 26, 2006 letter, the Diocese's Action Plan that responds to the concerns raised in my March 27, 2006 letter and the Diocese's Response to KPMG Recommendations. We appreciate the time and effort that is demonstrated by your response and Action Plan.

I think it would be very helpful if members of our staff meet to discuss the specifics of your proposal. We want to understand, from your perspective, how some of the Action Plans will be accomplished, the timetable for completion and if a particular person will be responsible for carrying out the Action Plan. The meeting will be most productive if all members of the Diocese who will be responsible for carrying out the Action Plan attend the meeting so that questions and concerns can be addressed at that time. Because of their important roles, it would be important that Fr. Arsenault, Diane Quinlan, and Mary Ellen D'Intino attend the meeting. If there are other individuals who will be instrumental in carrying out the Action Plan, they are welcome to attend the meeting as well.

In order to assist you in deciding who should attend and what our general questions are, I have outlined some of the topics we would like to discuss and understand more fully.

Staffing

1. The hiring of a compliance coordinator, coupled with the assembly of a field review team, is a positive step toward addressing the staffing concerns raised in my letter and KPMG's audit. I think it would be productive to understand who will be involved in the field team review, what experience the members of the team have, and how much

time they will dedicate to compliance review. I also would to discuss in more detail how the field review will proceed.

2. The policy provides: "Members of the [Safe Environment] Council shall be available to respond to the needs and questions of Safe Environment Coordinators in the parishes and schools located in their deaneries." Council members also have responsibility to assist the Delegate and Diocesan Review Board "in matters associated with the Policy." KPMG's audit revealed that some Council members performed no regular review of Coordinators' implementation of the policy. Council members also do not receive regular reports from the Delegate regarding compliance at the parishes within their deaneries. Finally, some Coordinators are unaware the Council exists, do not know who their member is, or have no communication with the Council members. The Action Plan does not appear to address the lines or method of communication between the Council and the Coordinators. We would like to discuss your view of the communication between the Council and the Coordinators

Compliance Enforcement that Incorporates Accountability Measures

1. As indicated above, the hiring of the compliance coordinator and the assembly of a field review team are important advances in ensuring compliance at the parish, school, and camp level. The timetables set forth in the Action Plan seem reasonable. The Action Plan also indicates that there will be follow-up by the compliance coordinator in those parishes that need additional assistance. Fr. Arsenault's letter indicates that the Diocese will use a "risk-based" approach to conducting these follow-up visits. I would like to understand this more clearly. I think it would also be helpful to understand in more detail the remedial measures outlined in the Action Plan for those parishes that do not come into compliance within the timeframe set forth.
2. The Action Plan also sets forth a number of deadlines for the Delegate, Associate Delegate, the Diocesan Review Board ("DRB"), compliance coordinator and other Diocesan personnel to complete certain tasks. The Action Plan does not indicate what measures will be taken if these deadlines are not met. This is of particular concern because KPMG's audit revealed that the Diocese set numerous deadlines for implementation of the compliance program that were not met and no apparent consequences resulted from the failure to meet the deadlines. We would like to discuss and hear your thoughts on this issue.

Oversight and Monitoring of Policy Implementation

1. Fr. Arsenault's letter indicates that the DRB will receive monthly reports from the compliance coordinator and "will continue to consider appropriate reviews and/or audits" We are unclear about the content of the report from the compliance coordinator. It would be helpful to understand more specifically what the DRB will do with the information provided by the compliance coordinator. It would also be helpful to understand what new or additional action the DRB will take to oversee and monitor the policy implementation.

2. There is some indication in the Action Plan that the Diocese intends to compare records from the parishes, schools, and camps with Diocesan databases. It would be helpful to understand the process in more detail. KPMG's report suggested that reliance exclusively on self-reporting by the parishes, schools, and camps is inadequate to ensure compliance.
3. The Action Plan indicates that Diocesan databases will be updated on at least a semi-annual basis. It would be helpful to understand how the databases will be updated.
4. In several places, the Action Plan refers to periodic reports regarding the status of implementation of the compliance program. It would be helpful to understand more precisely the role of such reports in monitoring and ensuring implementation of the compliance program.

Internal and External Reconciliation of Reports

1. Fr. Arsenault's letter indicates that the Diocese "will continue to conduct internal reconciliation of [the Diocese's] records on reporting." It is unclear if new or additional action will be taken by the Diocese to enhance the reconciliation.
2. I would also like to establish a timetable for regular, periodic review of reports made by the Diocese to our office.

Quality Assurance Program

1. The Action Plan indicates that a portfolio of "best practices" for protecting children will be developed based on the site visits and other information gathered by the compliance coordinator and the Safe Environment Coordinators. This is an encouraging development that has the potential of creating a first-rate compliance program. I would like to understand more specifically how the "best practices" will be identified, disseminated and implemented.


Review and Update of Diocesan Policies and Procedures:

1. The Action Plan does not contemplate that any changes will be made to the Diocesan policies regarding child sexual abuse for nearly one year after the release of the first annual audit. We are very concerned about the length of this timetable and would like to discuss it with you. The most significant problem for us is that the Diocese has not implemented the provision in the 2002 Agreement where the Diocese committed to "ensure that, pending the resolution of the allegations, the alleged abuser will be removed from any position in which there is the possibility for contact with minors." Agreement § 2(f).

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We would like to schedule this meeting as soon as possible. My staff is available to meet next week and will work through your counsel to set up a specific time. Please let Associate Attorney General Ann Larney know what dates and times are convenient for your staff. We look forward to discussing this with you and how we can move forward in a productive manner.

Sincerely,



Kelly A. Ayotte
Attorney General

EXHIBIT G

Document Review List**A. Organizational Structure and Oversight**

- Copies of position descriptions for: Delegate for Ministerial Conduct. Associate Delegate for Ministerial Conduct, Diocesan Compliance Coordinator, Safe Environment Assistant (undated)
- Organizational Chart for Diocesan Administration and for Catholic Charities

B. Mandatory Reporting and Response to Allegations

- Personnel file for a Diocesan Minister who was accused of sexual abuse of a minor and later reinstated
- Personnel file for a Brother who was accused of sexual abuse of a minor
- Personnel file of a teacher terminated for violation of school policy
- Written verification from pastor/principal pertaining to individuals who have been separated from service dated between 9/28/06 - 11/9/06.

C. Program to Prevent the Sexual Abuse of Minors

- Safe Environment Manual:
 - Gray Binder containing three cover letters dated 11/21/05 to School Principals, Pastors, SEC & Safe Environment Council Members.
- Other Safe Environment Training Materials, including, but not limited to,
 - Listing of 2006-2007 Safe Environment Curriculum
 - PGC workshop evaluation
 - Circles of Care program
 - Safe and Sound all Around (Live presentation videotape)
 - Having a Safe School: power point presentation
- Print-out of the Safe Environment Database dated as of 8/16/06
- Diocese of Manchester Parish Site Reviewer Handbook
- Various correspondence from the Diocese to the Safe Environment Coordinators and/or school principals/pastors, including:
 1. Agendas for Safe Environment Regional Meetings at four parishes (9/24/06 and 10/1/06)
 2. Promoting a Safe Environment"" Newsletters (Fall 2005, Winter 2005, Spring 2006)
 3. Memos regarding the Safe Environment Database dated (10/12/05)
 4. Memo regarding the Attorney General Report to principals (4/10/06)
 5. Memo regarding Parish Site Visits to school principals (5/17/06)
 6. Memo regarding *Promise to Protect, Pledge to Heal* to Pastors (5/17/06)
 7. Memo regarding Safe Environment Compliance Coordinator Visits Pastors (6/2/06)

- Documents relating to camp and parish site visits, including:
 - 1. Camp Site Visit Document Camp Fatima and Camp Bernadette (6/29/06)
 - 2. Letter from CC to Director of Development, Camp Fatima (7/20/06)
 - 3. -Email: Camp Lists from CC to Director of Development, Camp Fatima. (7/24/06)
- Safe Environment Personnel Verification Forms: -
 - Camp Bernadette (8/14/06)
 - Camp Fatima (8/14/06)
 - St. Martin's (6/28/06)
 - St. John the Baptist/Allentown (7/20/06)
 - St. Denis Parish (7/19/06)
 - St. Patrick, Bennington (7/24/06)
 - St. Timothy's Bristol (7/10/06)
 - St. Peter's Parish - Concord. (7/24/06)
 - St. Lawrence Church (7/21/06)
 - St. Francis Xavier (6/30/06)
 - St. Francis Xavier (6/30/06)
 - St. Patrick's Jaffrey. (7/11/06)
 - Our Lady of the Lakes Lakeport (7/16/06)
 - St. Joseph's Lincoln. (8/3/06)
 - St. Catherine (7/13/06)
 - St. Hedwig Parish (7/7/06)
 - Parish of the Resurrection. (6/29/)
 - St. Mary of the Assumption, Tilton (6/28/06)
 - Our Lady Of Lourdes/ St Joseph (provided (10/4/06)
- 90 letters from CC to various parishes listing required safe environment items that have been identified as missing from the parish safe environment database master list.
 - (9) Letters dated in June 06 and with response due by July 13, 06.
 - (45) Letters dated in July 06 and due within 21 days.
 - (26) Letters dated in Aug 06 and due within 21 days.
- Documents relating to Diocesan Contract/Consulting Agreements, including
 - (3) Agreements for consulting services between the Bishop of Manchester and Diocesan investigators dated 2003-2006
 - (8) Industrial Contracts (8)
- Training program documentation pertaining to the Delegate for Ministerial Conduct, the Associate Delegate for Ministerial Conduct, and the Director of the Office for Healing and Pastoral Care, and the Diocesan Compliance Coordinator (materials dated between May 2005-August 2006)
- 25 documents, the majority of which were titled "Diocesan Safe Environment Database Update Form" pertaining to 25 Diocesan schools (10/2006)
- Documentation Regarding March 11 2006 Safe Environment Conference

- Memo from School Principals from Quinlan, dated 9/21/05 with guidance on state law and Diocesan policy on matters involving sexual abuse of minors and sexual harassment
- Promoting Safe Environment newsletters handed out at the Virtus Online Coordinators Conference Third-party contracts provided by Camp Fatima pertaining to five (5) contractors and recording the agreement language specified in the Screening and Training Protocol.

D. Program Documentation

- Code of Ministerial Conduct - Serving Christ, Serving Others (Publication Date 12/29/03, Effective date 3/19/04 Footer Date: December 2003 Release 1.0)
- Draft Investigative Protocol for Allegations of Sexual Abuse of Minors (dated May 1 2005)
- *Promise to Protect Pledge to Heal; Charter for the Protection of Children and Young People* (dated 12.2003 release 3.0)
- *Promise to Protect, Pledge to Heal; Charger for Protection of Children and Young People* (draft, dated to be effective March 2007)
- Diocese of Manchester *Screening and Training Protocol* for Church Personnel (Effective 5/1/2006 Version 2.0);
- Diocese of Manchester Screening and Training Protocol for Church Personnel, Executive Summary
- Diocese of Manchester: Volunteer Application: [Undated, 1 page]
- Diocese of Manchester: Application for Employment (May 2006 version 3.0)
- Guide For Policy Implementation (based on the Diocese of Manchester Screening and Training Protocol for Church Personnel)
- Diocese of Manchester Screening and Training Protocol: Frequently Asked Questions [Undated, 5 pages]
- Charter for the Protection of Children and Younger People printout from the US Conference of Catholic Bishops Office of Child and Young People website (Footer date 8/10/06, 5 pages)
- "Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons" (6 pages dated of 12/8/02)
- Diocesan Administration Child Safety Document (4 pages, 12/03 Release 1.0)
- "How to Check the National Sex Offender Database"" 3 step procedure [Undated, 1 page]

- Various memos and emails relating to Criminal Record Request Forms
- "Promoting a Safe Environment: How to Conduct Reference Checks"
- Conducting Reference Checks' Checklist for questions to ask during reference check (undated)
- Letters of Reference and copies of notes on reference checks conducted on five Diocesan administration employees hired for the first time after June 2005.
- 6/19/06 letter to Principals and SE Coordinators s from CC titled "Reminder, Safe Environment Requirements for School Year 06-07"

E. Auditing/Testing of Program

- Diocese of Manchester Office For Ministerial Conduct Safe Environment Review Program" Version 1.0 Beta test (Final Dated XXX) [SIC]
- Draft procedure for the reconciliation of Criminal Records Requests sent to the New Hampshire State Police with those provided to the Office of the Delegate (draft dated 8/1/06)
- Documents relating to report reconciliation procedures, to include:
 1. Letter from Attorney to the Diocese to the Associate Attorney General: Audit of 2002 Agreement between State of New Hampshire and Diocese of Manchester (dated 6/23/06)
 2. Letter from Attorney to the Diocese to the Associate Attorney General: Audit of 2002 Agreement between State of New Hampshire and Diocese of Manchester (dated 7/21/06)
 3. Letter from Senior Investigator, NH AG to Attorney to the Diocese: "First Quarter Audit (dated 9/15/06)
 4. Letter from Senior Investigator, NH AG to Attorney to the Diocese: First Quarter Audit (dated 9/22/06)
- Diocesan Action Plan (dated 4/26/06)
- Diocesan Review Board audit report including the Howe, Reily & Howe agreed-upon procedures report (dated 1/12/06)
- The Gavin Group audit for USCCB documentation
- Spreadsheet titled "Reports Sexual Abuse of Minor" with entries dated between 6/1/05 and 6/30/06 and accompanying 14 emails relating to allegations recorded on the spreadsheet indicating the complaints had been referred to the NH AG. The-mails were accompanied by the referral form which provided additional information concerning each allegation.
- Reconciliation Procedure: Reports of Sexual Abuse of a Minor 12/10/02 through 6/30/06, Initial Reconciliation reports 12/10/02 through 6/30/06 (7/31/06)
- Minutes of Diocese Review Board meetings dated: 7/14/05, 9/8/05, 10/6/05, 11/3/05, 12/8/05, 1/12/06, 2/23/06, 3/16/06, 4/6/06, 5/4/06, 6/8/06, 7/13/06 and 8/10/06.

- Various documents relating to the solicitation of comments on the draft PPPH/ revisions to Diocesan policy.
- Curriculum Vitae for Diocesan Compliance Coordinator (CC)
- Written Monthly Reports issued to Bishop McCormick and the Diocesan Review Board from the Compliance Coordinator dated: 4/28/06, 5/31/06, 6/30/06, 7/31/06, 8/30/06, 9/30/06
- Documentation pertaining to initial site visits to the Diocesan schools, including:
 1. Initial Report on 2006 school compliance visits [6/1/06]
 2. Final report on 2006 school compliance visits [7/1/06]
 3. Employee/Volunteer report of 6/9/06
 4. Personnel compliant protocol for Diocesan Catholic Schools
 5. Correspondence and related documents from SEC to Principals
 6. Schedule of school site visits
 7. Employee/volunteer reports
 8. Safe environment personnel list-verification
 9. Memorandum from Delegate and related correspondence from CC
- Various communications between CC and schools, parishes or camps relating to follow-up to screening deficiencies (dated between 5/2006 and 8/2006]
- Correspondence from pastors/principals/safe environment coordinators confirming that specific individuals have been removed from active ministry pending their compliance with requirements set forth in the policy (attending training, submitting to background checks, etc) since 2005.
- Documentation pertaining to the removal of personnel from active ministry pending the resolution of an investigation (subsequent to June 2005)
 1. Letter from school principal notifying an employee of termination due to inappropriate conduct (3/10/06)
 2. Letter from Delegate for Ministerial Conduct to a member of the Diocesan Ministry with regard to alleged sexual abuse and instructions that the recipient refrain from exercise of any public ecclesiastical ministry effective 5/7/06 (5/15/06)
- Church bulletins:
 1. St. Thomas Aquinas (3/10/06)
 2. St. Jude Parish (6/18/06)
 3. Our Lady of Mercy Church (8/20/06)
- Spreadsheet list of SE Coordinators by Parish (undated)
- 59 page printout of Training Bulleting Report (listing names of who 'read' required Audit Training Bulletins for June 2005 through July 2006, printed on 7/28/06)
- Print out of Parish Site Visit schedule tracking spreadsheet used by DCC (dated 10/11/06)
- Office for Ministerial Conduct Procedure for Reports of Sexual Abuse of a Minor by Church Personnel: Civil Report Procedure, Release 1.0, (6/1/06)

KPMG, LLP

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Attorney Client Privilege

- Action Plan implementation tracking spreadsheet (2 page excel spreadsheet, undated)

EXHIBIT H

Site Visit Statistical Data
November 2006

					Application Screening Form			PGC Certification				CRR					SORC			Acknowledgement Form			>30-90 days		Comments
					Database	File Folder	Exception Code, if any=1 (means file missing application screening form)	Database	File Folder	Exception Code, if any=2 (means that dates don't match up)	Exception Code, if any=3 (means that PGC certification missing from the DB or file)	Database	File Folder	Exception Code, if any=4 (means that the CRR authorization has been signed but response is noted in file)	Exception Code, if any=5 (means that the CRR date in the DB refers likely to the authorization, not the completion of the check)	Exception Code, if any=6 (means that the CRR date in the DB precedes the date the CRR authorization was signed by the applicant)	Database	File Folder	Exception Code, if any=7 (means that no SOC.R in file)	Database	File Folder	Exception Code, if any, =8 (means that acknowledgement form date in DB and in file do not match)	Exception Code, if any, =9 (means that at least one screening and training requirements were completed more than 30 days after)	Acknowledgement Form	
1	E	11/7/2006	85	A	Personnel File	1/21/2004		10/18/2001	10/18/2001			1/2/2004	1/21/2004*	4		6	1/21/2004	No record in file	7	11/4/2004	11/4/2004				SEC not sure why the CRR date in the Database printout was before the CRR release had been signed on 1/23/04. Stated KPMG should consult with Diocese as they maintain CRR Records
2	E	11/7/2006	85	A	Personnel File	no info recorded		10/18/2001	10/18/2001			1/2/2004	1/21/2004* **			6	1/22/2004	No record in file	7	11/7/2004	11/7/04				SEC stated that she was not sure why the CRR date in the Database printout was before the CRR release had been signed on 1/23/04. Stated KPMG should consult with Diocese as they maintain CRR Records
3	E	11/7/2006	85	A	Personnel File	no info recorded		8/12/2006	8/12/2006			3/20/2006	4/28/06**		5		9/18/2006	No record in file	7	6/1/2006	6/1/2006				**Letter dated 4/28/06 from Dioceses stating background, criminal records check and fingerprints complete
4	E	11/7/2006	85	A	Personnel File	8/25/2006		10/24/2006	10/24/2006			10/6/2006	No record	4			9/8/2006	No record in file	7	9/25/2006	9/25/06		9		
5	E	11/7/2006	85	A	Personnel File	3/10/2004		12/4/2004	12/4/2004			9/1/2003**	8/1/03**				12/31/2004	No record in file	7	11/4/2004	11/3/04	8	9		**Letter dated 8/1/03 from Diocese stating criminal records check and fingerprints complete
6	E	11/7/2006	85	A	Personnel File	7/19/2006		6/7/2004	6/7/2004			8/30/2006	10/12/06**		5		7/31/2006	No record in file	7	7/19/2006	7/19/2006		9		**Letter dated 10/12/06 from Diocese stating background, criminal records check completed
7	E	11/7/2006	85	A	Personnel File	no info recorded		10/18/2001	10/18/2001			1/2/2004	3/4/04* **			6	3/3/2004	No record in file	7	11/4/2004	11/2/04	8			* CRR authorization form signed 3/4/04
8	E	11/7/2006	85	A	Personnel File	1/21/2004		10/18/2001	10/18/2001			1/21/2004	4/28/04**		5		1/21/2004	No record in file	7	11/8/2004	11/8/04				**Letter dated 4/28/04 from Diocese stating criminal records check complete
9	E	11/7/2006	85	A	Personnel File	8/11/2006		9/25/2006	9/25/2006			8/30/2006	10/2/06**		5		No info collected	No record in file	7	9/22/2006	9/22/2006		9		**Letter dated 10/2/06 from Diocese stating criminal record check complete is unsigned
10	E	11/7/2006	85	A	Personnel File	3/3/2004		10/18/2001	4/29/2002	2		1/2/2004	4/28/04**		5		3/3/2004	No record in file	7	11/4/2004	11/2/04	8	9		**Letter dated 4/28/06 from Diocese stating background and criminal records check complete (unsigned)
													10/23/00***												***Letter dated 10/23/00 from Brother Kenneth Hogan unsigned
11	E	11/7/2006	85	A	Personnel File	5/31/06*****		5/25/2006	5/25/2006			5/22/2006	7/6/06**			5	5/31/2006	No record in file	7	5/31/2006	5/31/06		9		**Letter dated 7/6/06 from Diocese stating criminal background check complete (unsigned)
12	E	11/7/2006	85	A	Personnel File	8/10/2006		8/31/2006	8/31/2006			10/6/2006	8/6/06*	4			9/16/2006	No record in file	7	9/5/2006	9/5/06		9		*****Older version of application screening form used
13	E	11/7/2006	85	A	Personnel File	9/14/2006		10/13/2006	10/13/2006			9/6/2006	10/12/06**		5		9/6/2006	No record in file	7	9/14/2006	9/14/06				*CRR authorization form is dated 8/6/06, no response in file
14	E	11/7/2006	85	A	Personnel File	9/25/2006		9/25/2006	9/25/2006			10/6/2006	No record in file				10/3/2006	No record in file	7	9/28/2006	9/25/06	8			**Letter dated 10/12/06 from Diocese stating criminal record check complete (unsigned)
15	E	11/7/2006	85	A	Personnel File	no form	1	8/31/2006	No record in file		3	8/30/2006	10/2/06**	4			9/26/2006	No record in file	7	8/10/2006	8/10/2006				
Totals							1			1	1			4	7	3			15			4	7		
Percentage Totals							7			7	7			27	47	20			100			27	47		
16	V	11/7/2006	92	A	Personnel File	6/18/2005		6/18/2005	6/18/2005			6/15/2004	6/20/2005			6	6/19/2004	No record in file	7	6/19/2004	6/19/04	8			
17	V	11/7/2006	92	A	Personnel File	6/18/2005		6/18/2005	6/18/2005			8/1/2005	7/12/05*				6/19/2004	No record in file	7	6/19/2004	6/19/2004				*7/12/05 CRR response is from MA State Police stamped "no record"
18	V	11/7/2006	92	A	Personnel File	6/24/2006		6/28/2003	No record in file		3	6/1/06*****	see comments				6/28/2005	No record in file	7	6/28/2005	6/24/06	8			*****Criminal Record check is covered by letter
19	V	11/7/2006	92	A	Personnel File	6/26/2005		6/25/2005	No record in file		3	6/1/2006	6/6/2006*****				6/25/2005	No record in file	7	6/25/2005	6/25/2005		9		*****Letter stating no criminal record
20	V	11/7/2006	92	A	Personnel File	7/13/2006		7/13/2006	No record in file		3	3/16/2006	3/16/2006				6/17/2006	No record in file	7	7/13/2006	7/13/06				

					Application Screening Form			PGC Certification				CRR					SORC			Acknowledgement Form				>30-90 days	
	Employee or Volunteer	"As of" Date	Total Count on List	Status	Database	File Folder	Exception Code, if any=1 (means file missing application screening form)	Database	File Folder	Exception Code, if any=2 (means that dates don't match up)	Exception Code, if any=3 (means that PGC certification missing from the DB or file)	Database	File Folder	Exception Code, if any=4 (means that the CRR authorization has been signed but response is noted in file)	Exception Code, if any=5 (means that the CRR date in the DB refers likely to the authorization, not the completion of the check)	Exception Code, if any=6 (means that the CRR date in the DB precedes the date the CRR authorization was signed by the applicant)	Database	File Folder	Exception Code, if any=7 (means that no SOCR in file)	Database	File Folder	Exception Code, if any=8 (means that acknowledgement form date in DB and in file do not match)	Exception Code, if any=9 (means that at least one screening and training requirements were completed more than 30 days after application)	Acknowledgement Form	Comments
21	V	11/7/2006	92	A	Personnel File	6/4/2004		6/22/2002	No record in file		3	6/4/2004	6/4/2004				6/18/2004	No record in file	7	6/18/2004	6/18/04				
22	V	11/7/2006	92	A	Personnel File	6/17/2006		6/17/2006	No record in file		3	5/26/2006	5/25/2006				6/17/2006	No record in file	7	6/17/2006	6/17/2006				
23	V	11/7/2006	92	A	Personnel File	6/17/2006		6/17/2006	No record in file		3	5/26/2006	5/26/2006				6/17/2006	No record in file	7	6/17/2006	6/17/2006				
24	V	11/7/2006	92	A	Personnel File	6/11/2005		6/25/2005	6/25/2005			4/5/2005	4/05/05* 5/24/05**	4	5		6/18/2005	No record in file	7	6/17/2006	6/17/06		9		*CRR authorization form signed by applicant on 4/5/05 **CRR stamped by NH State Criminal Records Unit "No records" on 5/24/05
25		11/7/2006	92	A	Personnel File	6/25/2005		6/25/2005	No record in file		3	6/1/2006	Mexican Citizen				6/25/2005	No record in file	7	6/17/2006	6/17/2006		9		
26		11/7/2006	92	A	Personnel File	6/24/2006		6/24/2006	6/24/2006			6/8/2006	6/8/2006				6/17/2006	No record in file	7	6/24/2006	6/24/2006				
27		11/7/2006	92	A	Personnel File	6/24/2006		6/24/2006	6/24/2006			6/1/2006	Columbian Citizen				6/17/2006	No record in file	7	6/24/2006	6/24/06				letter supplied for Criminal Record
28	V	11/7/2006	92	A	Personnel File	6/24/2004		6/24/2006	6/24/2006			6/1/2006	Mexican Citizen				6/17/2006	No record in file	7	6/24/2006	6/24/06				Letter in file dated 5/2/06
29	V	11/7/2006	92	A	Personnel File	6/18/2005		6/28/2003	No record in file		3	11/29/2004	11/29/2004				6/18/2005	No record in file	7	6/28/2003	6/18/05	8			
30	V	11/7/2006	92	A	Personnel File	6/18/2005		6/18/2005	6/18/2005			6/1/2006	5/13/2004				6/25/2005	No record in file	7	6/25/2005	6/19/05	8	9		
31	V	11/7/2006	92	A	Personnel File	6/24/2004		6/24/2006	6/24/2006			6/1/2006	Hungarian Citizen				6/14/2006	No record in file	7	6/24/2006	6/24/06		9		letter for background check
32	V	11/7/2006	92	A	Personnel File	7/14/2005		7/14/2005	7/14/2005			7/11/2005	7/11/2005				7/10/2005	No record in file	7	7/14/2005	7/14/2005				
	Totals Percentage Totals						0 0			0 0	8 47			1 6	1 6	1 6			17 100			4 24	5 29		
33	V	11/7/2006	37	A	Personnel File	10/28/2004		11/20/2002	No record in file		3		12/02/04*	4	5		3/31/2006	No record in file	7	10/28/2004	10/27/04	8	9		*CRR authorization form signed on 12/2/04, no response in fil
34	V	11/7/2006	37	A	Personnel File	11/5/2004		11/20/2002	No record in file		3	3/3/2005	11/24/04*	4	5		3/31/2006	No record in file	7	11/15/2004	11/15/04		9		*CRR authorization form signed on 11/24/04, no response in fil
35	V	11/7/2006	37	A	Personnel File	11/23/2004		9/19/2006	No record in file		3	9/27/2004	10/2/06*	4		6	3/31/2006	No record in file	7	11/20/2004	11/20/04		9		*CRR authorization form signed 10/2/06, no response in file. How could the form be signed AFTER the date the Diocese has it recorded as completed in the Database?
36	V	11/7/2006	37	A	Personnel File	10/27/2004		11/20/2002	No record in file		3	3/3/2005	11/22/2004*	4			3/31/2006	No record in file	7	11/21/2004	11/21/2004		9		*CRR authorization form signed by applicant on 11/22/04, no response in folder
37	V	11/7/2006	37	A	Personnel File	10/28/2004		11/20/2002	No record in file		3	3/3/2005	11/21/04*	4			3/31/2006	No record in file	7	10/28/2004	10/28/2004		9		*CRR authorization form signed by applicant on 11/21/04, no response in folder
38	V	11/7/2006	37	A	Personnel File	10/27/2004		11/12/2002	No record in file		3	3/3/2005	12/16/04*	4			3/31/2006	No record in file	7	10/27/2004	10/28/04	8	9		*CRR authorization form signed by applicant on 12/16/04, no response in folder
39	V	11/7/2006	37	A	Personnel File	11/8/2004		11/20/2002	No record in file		3	3/3/2005	11/22/05, 1/4/06	4			3/31/2006	No record in file	7	11/8/2004	11/8/04		9		*CRR authorization form signed by applicant on 11/22/04 and 1/4/05 no response in folder
40	V	11/7/2006	37	A	Personnel File	10/26/2004		11/20/2002	No record in file		3	3/3/2005	11/24/04*	4			3/31/2006	No record in file	7	10/28/2004	11/24/04	8	9		*CRR authorization form signed by applicant on 11/24/04 , no response in folder
41	V	11/7/2006	37	A	Personnel File	10/28/2004		9/19/2006	No record in file		3	3/3/2005	11/22/04*	4			3/31/2006	No record in file	7	10/29/2004	10/30/04 and 9/19/06	8	9		*CRR authorization form signed by applicant on 11/22/04, no response in folder
42	V	11/7/2006	37	A	Personnel File	12/8/2004		9/19/2006	No record in file		3	3/3/2005	12/8/04*	4			3/31/2006	No record in file	7	12/6/2004	12/6/2004		9		*CRR authorization form signed by applicant on 12/8/04, no response in folder
43	V	11/7/2006	37	A	Personnel File	12/17/2004		10/27/2002	No record in file		3	3/3/2005	12/14/04*	4			3/31/2006	No record in file	7	12/17/2004	12/17/04		9		*CRR authorization form signed by applicant on 12/17/04, no response in folder
44	V	11/7/2006	37	A	Personnel File	10/28/2004		11/12/2002	No record in file		3	3/3/2005	12/16/04*	4			3/31/2006	No record in file	7	10/28/2004	10/28/04		9		*CRR authorization form signed by applicant on 12/16/04, no response in folder
45	V	11/7/2006	37	A	Personnel File	10/27/2004		11/16/2004	11/16/2004			9/1/2003	No record in file		5		3/31/2006	No record in file	7	11/16/2004	11/16/2004		9		
46	V	11/7/2006	37	A	Personnel File	11/19/2004		10/27/2002	No record in file		3		1/22/05* 3/24/06**		5		3/31/2006	No record in file	7	11/19/2004	11/19/04		9		*CRR authorization form signed by applicant on 1/22/05 ****Letter dated 13/24/06 from Diocese stating criminal record check complete
47	V	11/7/2006	37	A	Personnel File	11/20/2004		11/20/2002	No record in file		3	3/3/2005	1/9/05*	4		6	3/31/2006	No record in file	7	11/20/2004	11/20/04		9		*CRR authorization form signed by applicant on 1/9/05, no response in folder
48	V	11/7/2006	37	A	Personnel File	12/15/2004		9/18/2006	No record in file		3	3/3/2005	1/24/05*	4		6	3/31/2006	No record in file	7	12/15/2004	12/15/2004		9		*CRR authorization form signed by applicant on 1/24/05, no response in folder
	Totals Percentage Totals						0 0			0 0	15 94			14 88	4 25	3 19			16 100			4 25	16 100		

				Application Screening Form			PGC Certification				CRR				SORC			Acknowledgement Form				>30-90 days		
	Employee or Volunteer	"As of" Date	Total Count on List	Status	Database	File Folder	Exception Code, if any=1 (means file missing application screening form)	Database	File Folder	Exception Code, if any=2 (means that dates don't match up)	Exception Code, if any=3 (means that PGC certification missing from the DB or file)	Database	File Folder	Exception Code, if any=4 (means that the CRR authorization has been signed but response is noted in file)	Exception Code, if any=5 (means that the CRR date in the DB refers likely to the authorization, not the completion of the check)	Exception Code, if any=6 (means that the CRR date in the DB precedes the date the CRR authorization was signed by the applicant)	Database	File Folder	Exception Code, if any=7 (means that no SOCR in file)	Database	File Folder	Exception Code, if any, =8 (means that acknowledgement form date in DB and in file do not match)	Exception Code, if any, =9 (means that at least one screening and training requirements were completed more than 30 days after Acknowledgement Form)	Comments
49		11/9/2006		A	Personnel File	11/9/2005		11/9/2005	11/9/2005			8/24/2006	9/5/2006	4			4/5/2006	No record in file	7	7/10/2006	7/10/06		9	
50	V	11/9/2006		A	Personnel File	11/9/2005		11/9/2005	11/9/2005			12/28/2005	12/29/2005			6	4/5/2006	No record in file	7	11/9/2005	11/9/2005		9	
51	V	11/9/2006		A	Personnel File	11/9/2005		11/9/2005	11/9/2005			12/28/2005	12/29/2005			6	4/5/2006	No record in file	7	11/9/2005	11/9/2005		9	
52	V	11/9/2006		A	Personnel File	11/9/2005		11/9/2005	11/9/2005			12/28/2005	12/29/2005			6	4/5/2006	No record in file	7	11/9/2005	11/9/2005		9	
53	V	11/9/2006		A	Personnel File	11/9/2005		11/9/2005	11/9/2005			12/28/2005	12/28/2005				4/5/2006	No record in file	7	11/9/2005	11/9/05		9	
54	V	11/9/2006		A	Personnel File	3/27/2006		12/1/2005	No record in file		3	12/28/2005	12/28/2005				4/5/2006	No record in file	7	12/1/2005	12/1/05			
55	V	11/9/2006		A	Personnel File	11/9/2005		11/9/2005	11/9/2005			9/6/2005	9/6/2005				4/5/2006	No record in file	7	11/9/2005	11/9/2005		9	
56	V	11/9/2006		A	Personnel File	11/16/2005		11/15/2005	11/15/2005			12/28/2005	9/6/2005	4			4/5/2006	No record in file	7	11/16/2005	11/16/2005		9	
Totals							0	8	7	0	1	8	8	2	0	3			8			0	7	
Percentage Totals							0			0	13		25		0	38			100			0	88	
57	V	11/14/2006		A	Personnel File	9/25/2006		9/25/2006	9/25/2006			11/9/2006	9/25/06*	4			9/26/2006	No record in file	7	9/25/2006	9/25/2006		9	*date that authorization form was signed, no response in fil
58	V	11/14/2006		A	Personnel File	10/24/2006		9/25/2006	No record in file		3	11/9/2006	9/25/06*	4			9/26/2006	No record in file	7	9/25/2006	10/24/2006	8	9	*date that authorization form was signed, no response in fil
59	V	11/14/2006		A	Personnel File	9/25/2006		9/25/2006	9/25/2006			11/9/2006	9/25/06*	4			9/23/2006	No record in file	7	9/25/2006	9/25/2006		9	*date that authorization form was signed, no response in fil
60	V	11/14/2006		A	Personnel File	11/17/2004		10/8/2005	No record in file		3	5/23/2006	12/20/2004				5/23/2006	No record in file	7	1/4/2006	2/5/2005	8	9	CRR authorization form stamped "complete" on 12.20.04
61	V	11/14/2006		A	Personnel File	10/24/2006		10/21/2004	No record in file		3	12/20/2004	12/20/2004				1/4/2006	No record in file	7	10/24/2006	10/24/2006			CRR authorization form stamped "complete" on 12.20.04
62	V	11/14/2006		A	Personnel File	10/4/2004		6/17/2004	6/17/2004			11/10/2003	11/10/2003				9/23/2006	No record in file	7	4/4/2005	4/4/2005		9	
63	E	11/14/2006		A	Personnel File	10/28/2004		5/28/2003	No record in file		3	8/16/2005	12/20/2004				1/4/2006	No record in file	7	4/4/2005	4/4/2005	8	9	CRR authorization form stamped "complete" on 12.20.04
64	V	11/14/2006		A	Personnel File	9/16/2006		10/8/2005	10/8/2005			11/9/2006	9/17/2006*	4			10/4/2006	No record in file	7	10/24/2006	10/8/2005		9	*date that authorization form was signed, no response in fil
65	V	11/14/2006		A	Personnel File	9/25/2006		9/25/2006	9/25/2006			11/9/2006	9/25/06*	4			9/23/2006	No record in file	7	9/25/2006	9/25/2006		9	*
66	E	11/14/2006		A	Personnel File	10/1/2006	1	6/18/2005	No record in file		3	6/23/2005	No record in file				9/21/2006	No record in file	7	10/1/2006	10/1/2006			
67	V	11/14/2006		A	Personnel File	11/17/2004		1/10/2004	1/10/2004			11/10/2003	1/10/2003				9/15/2006	No record in file	7	4/4/2005	11/17/2004	8	9	
68	V	11/14/2006		A	Personnel File	1/10/2005		2/5/2005	2/5/2005			11/9/2006	10/24/2006*	4			1/4/2006	No record in file	7	2/5/2005	2/5/2005		9	*date that authorization form was signed, no response in fil
69	E	11/14/2006		A	Personnel File	10/16/2004		6/7/2004	6/10/2004	2		1/9/2006	No record in file				1/4/2006	No record in file	7	10/22/2004	10/22/2004		9	
70	V	11/14/2006		A	Personnel File	10/23/2006		1/10/2004	1/10/2004			10/28/2005	1/14/2004	4			10/28/2005	No record in file	7	10/8/2005	10/23/2005	8		
71	V	11/14/2006		A	Personnel File	10/28/2004		6/7/2004	6/7/2004			12/20/2004	12/20/2004				1/4/2006	No record in file	7	3/4/2005	3/4/2005		9	
Totals							1			1	5			7	0	0			15			5	12	
Percentage Totals							7			7	33			47	0	0			100			33	80	

Overall Statistical Information:

Total Exceptions:	2	2	30	28	12	10	71	17	47
Percentage of total files (71 count) tested:	2.82	2.82	42.25	39.44	16.90	14.08	100	23.94	66.20