



*PRIVILEGED & CONFIDENTIAL
ATTORNEY WORK PRODUCT*

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

January 15, 2008

ADVISORY

Prepared by: **KPMG FORENSIC**SM

CONTENTS

- I. Introduction 1**
 - A. Background.....1
 - B. Limitations on Liability 2
- II. Executive Summary 3**
- III. Methodology.....5**
 - A. Overview 5
- IV. Assessment of the Diocese of Manchester’s Compliance Program..... 5**
 - A. Organizational Structure and Oversight..... 5
 - 1. Requirements of the Agreement 5
 - 2. Industry/Organizational Guidance 5
 - 3. Program Overview 6
 - 4. Findings 8
 - 5. Recommendations for Program Enhancements 10
 - B. Mandatory Reporting and Response 11
 - 1. Mandatory Reporting 11
 - a. Requirements of the Agreement 11
 - b. Industry/Organizational Guidance..... 11
 - c. Program Overview 12
 - d. Findings..... 12
 - e. Recommendations for Program Enhancements 12
 - 2. Response to Allegations..... 13
 - a. Requirements of the Agreement 13
 - b. Industry/Organizational Guidance..... 13
 - c. Program Overview 13
 - d. Findings..... 14
 - e. Recommendations for Program Enhancements..... 14
 - C. Program to Prevent the Sexual Abuse of Minors..... 15
 - 1. Screening of Church Personnel 15
 - a. Requirements of the Agreement 15
 - b. Industry/Organizational Guidance..... 15
 - c. Program Overview 15
 - d. Findings..... 15
 - e. Recommendations for Program Enhancements..... 25
 - 2. Training Personnel, Communications, and Acknowledgements..... 26
 - a. Requirements of the Agreement 26
 - b. Industry/Organizational Guidance..... 26

c. Program Overview	26
d. Findings.....	27
e. Recommendations for Program Enhancements.....	28
D. Program Documentation	28
1. Requirements of the Agreement	28
2. Industry/Organizational Guidance	28
3. Program Overview.....	28
4. Findings	29
E. Auditing/Testing of the Program	29
1. Requirements of the Agreement	29
2. Industry/Organizational Guidance	29
3. Program Overview.....	29
4. Findings	30
5. Recommendations for Program Enhancements	30

Appendix A – KPMG’s Compliance Program Methodology for the 2007 Assessment

- Appendix A, Exhibit 1 - *Diocese of Manchester Code and Policy, Effective Date: March 19, 2007. Serving Christ, Serving Others - Code of Ministerial Conduct; Promise to Protect, Pledge to Heal - Policy for the Protection of Children and Young People*
- Appendix A, Exhibit 2 - *Diocese of Manchester – Screening and Training Protocol for Church Personnel (July 1, 2007)*
- Appendix A, Exhibit 3 - Document Review List
- Appendix A, Exhibit 4 - KPMG Site Visit Sample Results
- Appendix A, Exhibit 5 - Relevant Portions of the *U.S. Sentencing Commission, Federal Sentencing Guidelines (November 2007)*
- Appendix A, Exhibit 6 - *Diocese of Manchester Action Plan II (June 1, 2007)*

Exhibits

- A. Non-Prosecution Agreement (December 2002)
- B. Risk Assessment Matrix Examples B-1 and B-2
- C. Correspondence from Diocesan Attorney
- D. Survey by the University of New Hampshire Survey Center for the New Hampshire Attorney General

I. INTRODUCTION

A. Background

The Diocese of Manchester (the Diocese), which was established in 1884, encompasses the entire State of New Hampshire and, according to the Diocesan Web site (<http://www.catholicnh.com>), currently consists of approximately 105 parishes, 24 diocesan schools, and 2 summer camps. 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 an initial report relating to the first of four planned annual program assessments on March 13, 2006 and a subsequent report, KPMG's Assessment of Diocese of Manchester's Compliance Program for the New Hampshire Attorney General (2006 KPMG Program Assessment Report) relating to its second annual assessment on January 16, 2007.

This report covers KPMG's observations and recommendations resulting from KPMG's third annual program assessment.

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.

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, KPMG 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, industry and organizational 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 herein, and on the information supplied by the Delegate of Ministerial Conduct, 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.

This report and its exhibits are not intended for general circulation or publication, nor are they to be reproduced or used for any purpose other than that outlined in our engagement letter dated May 4, 2005, without prior written permission from KPMG in each specific instance. KPMG disclaims any responsibility or liability for losses, damages, or costs incurred by anyone as a result of the unauthorized circulation, publication, reproduction, or use of this report or its exhibits contrary to the provisions of this paragraph.

II. EXECUTIVE SUMMARY

In 2007, the Diocese of Manchester reached a milestone with the establishment of a functional Compliance Program (Program). KPMG noted significant progress with regard to closing several critical gaps and implementing several program enhancements with its Program. These included: the revision of strategic policies, the development and implementation of new procedures, as well as the development and implementation of a new web-based Safe Environment Database (SE Database). Other refinements included: revision of the *Screening and Training Protocol*, the development of a risk-based approach, new review tools for site revisits, and the centralization of most support documentation at the Office for Ministerial Conduct (OMC). KPMG also observed evidence of continuity and consistency in communication, reporting, and reconciliations, as well as what appears to be an enhanced tone from the top. Despite these significant enhancements, however, the Diocese is still not achieving full compliance with its own Program requirements.

Notable developments in 2007 related to the positive changes with regard to the tone from the top and oversight of the Program. Specifically, the Diocese and its senior leadership demonstrated an openness and willingness to cooperate during the assessment; they appeared receptive to recommendations and feedback and acknowledged in several instances the potential value such enhancements could provide the Program. In addition, members of the Diocese and the OMC described to KPMG an environment of strong support and commitment from diocesan leadership, in particular citing the leadership of Bishop McCormack and Father Arsenault. A survey was conducted in an effort to measure the understanding of the program and its impacts on parishioners throughout the state, the results of which are appended to this report.

Additionally, the OMC clearly placed new emphasis this year on accountability for proper implementation and adherence to the Program's requirements. For example, the OMC developed and implemented a Safe Environment Disciplinary Policy, which became effective on July 15, 2007. In addition, there was strong evidence of active follow-through by the Compliance Coordinator, the Delegate and Associate Delegate on potential gaps identified during the Diocesan site revisits.

Further, Bishop McCormack and Father Arsenault both articulated to KPMG that they recognized the importance of institutionalizing a strong Program in order to make it sustainable beyond the tenure of those who are currently responsible for its oversight. Specifically, their efforts to move in this direction were evidenced by the following key Program improvements encountered this year:

- 1) The review, revision, and reissuance of the *Serving Christ, Serving Others – Code of Ministerial Conduct* and the *Promise to Protect, Pledge to Heal – Policy for the Protection of Children and Young People*, effective March 19, 2007 (*Code and Policy*) as well as its *Screening and Training Protocol* (effective July 1, 2007).
- 2) The development and implementation of numerous new procedures, protocols, guidelines, and best practices, which are directly responsive to protecting children in today's challenging environment.
- 3) The development and implementation of a new web-based SE Database for the recording and tracking of compliance with the screening and training requirements. Its ability to generate reports on specific Program metrics will allow the Diocese to proactively manage and measure compliance with the Program requirements on an ongoing basis.
- 4) The emphasis on a risk-based approach to the Program. For example, the Diocese developed a Risk-Based Review Plan for 2007, and a Risk Assessment Matrix for the evaluation of parishes and schools, allowing the Diocese to prioritize site compliance revisits and focus its limited resources.
- 5) The enhanced use of the Diocese's web site as a communication mechanism for promoting the Program, its requirements and the warning signs of sexual misconduct, which has led to increased transparency both within the Church community and beyond.

Despite these significant additions and enhancements, there remain some gaps as well as some opportunities for further enhancements as identified in the Findings and Recommendations sections of this report. Some critical areas included:

- 1) Due to the growth in the Program, the amount of man hours required to properly manage the Program has increased significantly. The Diocese has been cognizant of this and responded last

year with the addition of a full-time SE Assistant, and with the current consideration for an additional part-time OMC employee to conduct site revisits. There may be a need for additional staffing to effectively manage and monitor the ongoing implementation, refinement, and documentation of various aspects of the Program in a timely manner.

- 2) Site revisits are only considering Active and Pending employees and volunteers, which may result in oversight of individuals incorrectly identified as Inactive in the database and perhaps not in compliance with the screening and training requirements.
- 3) Thirty-one of sixty-seven files tested by KPMG, or 46 percent contained some form of discrepancy (i.e., inaccurate or missing data/support, etc.). Several files were noted as containing more than one discrepancy.² In addition, KPMG identified gaps in the completion of some screening requirements for specific individuals during the 2006 and 2007 time period. While the Diocese has attempted to mitigate the risks associated with some of those areas identified as noncompliant by creating alternative controls (e.g., managing all criminal checks and their documentation at the OMC, and employing two National Sex Offender Public Registry (NSOPR) checks), it must, however, remain vigilant and continue working toward achieving 100 percent compliance with its Program requirements.
- 4) The Diocese is not currently testing, either formally or informally, the database controls it believes are in place to prevent individuals from being listed as Active without Criminal Records Release (CRR) and NSOPR dates. KPMG's review of the data as of August 20, 2007 identified at least 55 individuals who were listed as Active despite having no CRR or NSOPR dates.³ Full details relating to this observation and the Diocese's response thereto are provided in Appendix C of this report.

In sum, since entering into the Agreement, the Diocese has made significant progress towards developing and implementing a Compliance Program designed to achieve the Agreement's objectives. This past year has shown much improvement in several areas. That said, the Diocese must continue to focus the necessary resources and its continued commitment to achieve a fully effective and sustainable compliance program by embracing the findings and recommendations provided in this report and making the necessary investments.

² The evaluation of the sixty-seven files involved a total of 335 safe environment requirements in which KPMG noted 42 discrepancies. Eighteen (18) of these discrepancies were missing requirements and 24 appeared to be clerical errors.

³ The Diocese subsequently determined and reported to KPMG that the 55 names included 34 volunteers under the age of 18 who were not required to complete the safe environment requirements and 21 names of other individuals that were included because of apparent data entry errors, or who were reportedly not in positions in which they supervised minors.

III. Methodology

A. Overview

Consistent with the methodology employed during the 2005 and 2006 Program assessments, KPMG's overall methodology for this assessment included: 1) evaluating and analyzing diocesan policies, procedures, standards, and relevant correspondence; 2) conducting site visits and performing testing of documentation there and at the OMC; and 3) interviewing appropriate diocesan and parish personnel who have responsibility over the Program. 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.

It should be noted that while the requirements of the Agreement have remained the same, industry and organizational guidance has been updated where appropriate. Changes to the Program since our 2006 assessment are discussed in the Program Overview.

For further details on the scope, level, and context of KPMG's Assessment methodology utilized with regard to the 2007 assessment please refer to **Appendix A** attached hereto.

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."⁴ 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."⁵ 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/Organizational Guidance

The United States Sentencing Commission's Federal Sentencing Guidelines (the Guidelines) provide the most widely accepted guidance for the design and implementation of an effective compliance program. In establishing an effective compliance program, the current Guidelines 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..."⁶, the minimal requirements of which are set forth in the Guidelines.⁷

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.⁸ The Guidelines make clear that while operational responsibility may be delegated, overall responsibility for the Program's effectiveness must remain with the high-level individual assigned.⁹

⁴ Agreement at §3.

⁵ Id.

⁶ U.S. Sentencing Commission, Guidelines Manual, at §8B2.1 (November 2007).

⁷ Id. at §8B2.1(b)

⁸ Id. at §8B2.1(b)(2)(A)

⁹ Id. at §8B2.1(b)(2)(B)

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.¹⁰

3. Program Overview

a. Policies and Procedures

Since the 2006 KPMG Program Assessment Report, the Diocese of Manchester has updated most of the Program's key policies and procedures and has developed and implemented other new policies and procedures as detailed below.

(i) Code and Policy

During the summer and fall of 2006, the Safe Environment Council, the Diocesan Review Board (DRB), the OMC, and the Bishop all participated in a review and revision of the *Code of Ministerial Conduct* and the *Policy for the Protection of Children and Young People*. The documents considered during this process included, but were not limited to, the *Promise to Protect, Pledge to Heal* (effective June 2005), the *Screening and Training Protocol* (effective May 2006), the 2006 KPMG Program Assessment Report and its exhibits, the Diocese's response to KPMG's recommendations, the Diocese's Action Plan II, and the *Protecting God's Children (PGC)* training brochure.¹¹

Following review of these documents, Father Arsenault and Diane Murphy Quinlan submitted a memorandum to the DRB that outlined 11 recommended changes to the *Policy* and 1 change to the *Code*.¹² Thereafter, a follow-up memo dated August 30, 2006 was delivered to the DRB identifying 9 additional recommended changes to the *Policy* and 5 changes to the *Code*. The key recommended changes in the *Policy* were responsive to most of the recommendations appearing in the 2006 KPMG Program Assessment Report. Limited exceptions were noted and are described and discussed within this report.

Upon completion of this process, the Diocese of Manchester, in March 2007, issued a revised Diocese of Manchester *Code and Policy*.

(ii) Compliance Coordinator Policies and Procedures

New to the Program this year is a compilation of the key policies and procedures applicable for the administration of the Compliance Coordinator's roles and responsibilities that are not specifically covered within the *Code and Policy* or the revised *Screening and Training Protocol*. These materials include:

- 1) A document describing the Diocesan Compliance Coordinator roles and responsibilities
- 2) SE Review Worksheet (v 3.0 April 2007)
- 3) Test Procedures (for Volunteers and Employees)
- 4) Exit Sheet – Missing Items form (from site visits)
- 5) Safe Environment Review Plan (2007)
- 6) SE Database Reconciliation Procedures for Priests (March 2007)
- 7) SE Database Reconciliation Procedures for Deacons (March 2007)
- 8) SE Database Reconciliation Procedures for Seminarians (undated)
- 9) SE Database Reconciliation Procedures for PGC Trainers (undated)
- 10) SE Database Reconciliation Procedures for Camps (v 1.0 April 2007)

¹⁰ Id. at §8B2.1(b)(2)(C)

¹¹ The Diocese advised that it also considered screening procedures from other organizations as part of its review process but did not provide copies of such documentation.

¹² Diocese of Manchester, Memo from Fr. Arsenault and Diane Murphy Quinlan to the DRB dated July 13, 2006.

- 11) Sex Offender Registry Check procedures (May 2007)
- 12) SE Review Procedures for Camp Fatima and Camp Bernadette (v 1.0 April 2007)

In addition to the above documentation, the Compliance Coordinator has also established a “Best Practices” binder containing a variety of materials directly related to identifying and sharing leading program implementation practices among the various schools and parishes. These materials include:

- 1) Guide on Organizing Files (sent to all SE Coordinators in fall 2006)
- 2) How to Report Abuse Newsletter/Handbook/Bulletin Insert (undated)
- 3) SE Timeline Checklist (a suggested planning schedule for parish SE Coordinators with a focus on the timetables for volunteers)
- 4) SE Bulletin Announcements (Winter and Spring 2007)
- 5) Screening and Training Protocols (as noted above: Substitute Teachers, Athletic Coaches, Developmentally Disabled/Cognitively Disabled Adults)
- 6) PGC Training 2001–2003 policy for absence of attendance list (v 2.0 April 2007)
- 7) New Employee Checklist (rev. 12/06)
- 8) NSOPR date nonmatch stamp (undated – sample document)
- 9) Various sample letters
- 10) SE file management recommendations (file cover sheets/stickers) (undated)
- 11) Description of PGC Training for Parish Volunteer (undated)

(iii) Supplemental Screening and Training Procedures

Since KPMG’s 2006 assessment, the Diocese has also created the following supplemental screening protocols to address particular circumstances not specifically covered by the July 1, 2007 *Screening and Training Protocol*:

- 1) Screening and Training Protocol for Substitute Teachers (Spring 2006)
- 2) Screening and Training Protocol for Athletic Coaches (v 2.0 July 2007)
- 3) Screening and Training Protocol for Developmentally or Cognitively Disabled Adults (undated)
- 4) Screening and Training Protocol for Summer Employees at Diocesan Schools (undated)
- 5) PGC Attendance form – When no attendance list exists (undated)

(iv) Safe Environment Disciplinary Procedures

In KPMG’s 2006 Program Assessment Report, it was recommended that the Diocese should establish a process to enhance accountability with regard to the implementation and administration of the Program. KPMG recommendation IV.A.5.h specifically stated that “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.”

While the Diocese decided against using its originally developed Performance Evaluation Program to achieve these objectives, it did develop the Safe Environment Disciplinary Procedures (July 15, 2007 Release 1.0) as a mechanism for enforcement of the Program’s mandates. This disciplinary procedure applies directly to pastors, principals, and camp directors and states that “where a problem exists, the appropriate Cabinet Secretary or Superintendent will discuss the problem with the individual, identify causes, outline corrective action steps, and establish a time in which to

correct the problem”¹³ and requires the matter to be documented in the individual’s personnel file.

b. Organizational Structure and Oversight

Bishop McCormack continues to have ultimate responsibility for the Diocese’s Compliance Program.

1. Office for Ministerial Conduct

As in past years, the OMC continues close coordination with the Bishop, the DRB, and Office for Healing and Pastoral Care for the implementation and administration of the Program.

Distinctively, this year the OMC has incorporated a risk-based approach into its oversight and administration of the Program. The Diocese drafted and publicized the *Diocese of Manchester Office of Ministerial Conduct Summary of Safe Environment Risk-Based Review Plan [of] 2007* which consists of several key Program components, such as: establishment of an annual review year (from July 1 to June 30), the development and implementation of a parish and school risk assessment matrix for the prioritization of site compliance revisits, a priority-based schedule that requires all sites be visited at least once every three years, the performance of site visit compliance spot checks on an as-needed basis during each review year, as well as the regular reporting of the results to the Bishop.

The Risk Assessment Matrix is used to quantify the risk level associated with each parish and school in order to prioritize the site revisits schedule for 2007 and beyond.¹⁴ Each parish and school is assigned a numerical rating and a corresponding categorization (i.e., Unsatisfactory, Needs Improvement, or Satisfactory) based on information about staffing, organization, communication, and adherence to Safe Environment policies and protocols. Using this rating system, the Compliance Coordinator’s office set a goal to revisit all entities in 2007 that were rated Unsatisfactory, to be followed in 2008 and 2009 by revisits to entities rated in the other categories.

The Diocese has increased the staffing at the OMC in relation to the growing volume and complexity of the work required for the Program’s administration.

2. Diocesan Review Board

The role of the DRB continues unchanged from that defined in the draft *Policy* and as adopted in the *Policy* evaluated during the 2006 KPMG Program Assessment Report.

3. Office for Healing and Pastoral Care

The Office for Healing and Pastoral Care remains involved with outreach to affected individuals through coordination with the Associate Delegate, who helps to ensure that Joseph Naff is kept apprised of situations requiring his involvement.

4. SE Coordinators

The SE Coordinators continue to be responsible for the implementation of the policies and procedures for the administration of the Program, and have received from the Compliance Coordinator as described above revised and expanded information and tools to assist them in performing their duties.

¹³ Diocese of Manchester, *Safe Environment Disciplinary Procedures*, Version 1.0, July 15, 2007.

¹⁴ Diocesan camps are not evaluated by the Risk Assessment Matrix because they are subject to an annual site visit.

4. Findings

a. *Policies and Procedures*

1. The final version of the *Code and Policy* incorporates the introductory letters from the Bishop that reflect the need to continually review, revise, and enhance these documents. The introductory letter specifically states that “the protection of children and young people is the work of the whole Church”, evidencing the enhanced tone from the top and the Bishop’s continued commitment to improving the Diocese’s Program.

To this point, there were several terms in the draft *Policy* that KPMG recommended be defined for greater understanding and accountability. While not all of the terms identified as potentially requiring definitions have been defined, the Diocese has provided much greater clarity in many areas through the integration of the Code with the Policy as a single document.

In addition, the OMC has taken additional steps to develop new policies as noted above as well as to memorialize and organize some of its best practices. For example, the creation of procedures that specifically address the screening and training requirements for Substitute Teachers, Athletic Coaches, Developmentally Disabled Adults, and Summer Employees at Diocesan Schools is a positive development toward providing issue-specific guidance, which will also facilitate consistency as well as increase accountability.

Additionally, the development of a Best Practices binder will help to achieve greater consistency and sustainability in the implementation and management of various aspects of the Program. It should be noted, however, that there was no inventory or index of the materials contained therein, nor a process for periodically reviewing and revising items that could become outdated, or even be in conflict with new or revised policies and procedures, which could result in the inefficient or ineffective use of critical resources.

2. Similarly, the Diocese’s development of the “Safe Environment Disciplinary Procedures; July 15, 2007 Release 1.0” reflect increased efforts for improved accountability and adherence to the requirements of the Program. While KPMG did not see specific evidence of implementation of the Safe Environment Disciplinary Procedures, through conversation with the Delegate, KPMG was advised that in one instance, disciplinary procedures were underway as the result of a principal not following through on specific corrective action with regard to the SE Coordinator at that school, as directed by the Delegate.

Specifically, in April 2007, the Delegate directed the principal to replace the school’s SE Coordinator because she was not adequately fulfilling her responsibilities as the SE Coordinator. As of KPMG’s October 4 visit to that school, that SE Coordinator had not been replaced. On October 25, 2007, the Delegate advised KPMG that follow-up disciplinary action had been initiated to address the principal’s failure to enforce the directive of the Delegate.

It is important to note, however, that the Safe Environment Disciplinary Procedures, while creating greater accountability, do not lay out a timetable for the escalation of disciplinary issues and enforcement of the Program’s mandates. Such a timetable is critical to set measurable thresholds and enhance consistent application.

3. Finally, KPMG found that several policy, procedure, and protocol documents are not dated and do not evidence the use of a version control system. There is, therefore, difficulty in tracking changes among documents and difficulty in identifying when these documents were published and first put into use, which can create confusion amongst users, resulting in noncompliance.

b. Organizational Structure and Oversight

1. There continues to be evidence of regular oversight and constant coordination between the Bishop and members of the OMC with regard to the Program. For example, the Bishop continues to receive monthly reports from the Compliance Coordinator, which he reviews and annotates with comments and questions, initialing that he has completed his review and response. Copies of the reports are then returned to the Compliance Coordinator for review and follow-up as needed. This type of process greatly enhances accountability throughout the program hierarchy by documenting when and what issues were identified and escalated and memorializing the actions to be taken.

2. i. Risk Based Review Plan

The development, implementation, and posting of the Risk-Based Review Plan on the Diocese web-site demonstrated not only the Diocese's use of a risk-based approach, but also increased Program transparency, which facilitates measurability and, thus, accountability. Although the goal of revisiting all "Unsatisfactory" sites in 2007 was nearly met, revisits to two sites were postponed due to a fire.

- ii. Risk Assessment Matrix

According to the introduction on the Risk Assessment Matrix, the purpose of this tool is to "quantify the judgment"¹⁵ of the reviewer. KPMG found, however, that the scoring methods were not always used within the defined parameters. For example, the arbitrary use of a 3 or 4 score to answer a yes/no question that has scoring options of only 1 for a "yes" or 5 for a "no" creates inconsistency in both its current application as well as in its sustained and consistent use over time.

During the OMC's 2007 site revisits, an entity's risk level was reassessed to determine if it had changed from the initial assessment categorization. Additional revisit-specific questions on the Risk Assessment Matrix were incorporated that resulted in a second, often potentially higher scoring range and the associated categorizations.

3. As part of this assessment, KPMG analyzed the design of the Risk Assessment Matrix and found the logic utilized appeared flawed as follows:
 - a. An entity could receive a score of 31 and a categorization of Needs Improvement on its initial assessment, and could then receive a higher (worse) score of 38 on the revisit assessment, but a better categorization of Satisfactory. **Exhibit B-1**
 - b. An entity could receive a score of 50 and a categorization of Unsatisfactory on its initial assessment, and could then receive a higher (worse) score of 74 on the revisit assessment but a better characterization of Needs Improvement on the revisit. **Exhibit B-2**

4. Despite focusing on a risk basis, through interviews at the Diocese, it was evident that the volume of work to implement and administer the Program has notably increased. For example, members of the OMC have described handling the paperwork at the beginning of camps as difficult to manage and keep up with. Another member of the OMC mentioned the processing documents and continuing to follow up on "Pending" status individuals as a notable challenge. In the 2008 compliance year, site revisits will involve a significant portion of the diocesan sites, considering that at least 100 sites will be revisited in the next two years; as such, it is a positive indicator that the OMC is considering hiring additional part-time staff to assist with that work.

Exacerbating the increased work load is the fact that according to some 2007 site revisit reports, known as Safe Environment Reports, not all Diocesan entities has a named SE Coordinator. Identifying and having an SE Coordinator for each Diocesan entity is crucial to the timely and proper implementation of the screening and training requirements and the overall success of the Program particularly in light of the Diocese's constrained resources.

¹⁵ Diocese of Manchester Office for Ministerial Conduct *Parish and School Risk Assessment Matrix*, Version 2.0, January 11, 2007.

5. Recommendations for Program Enhancements

a. Policies and Procedures

1. The specific screening procedures for Athletic Coaches, Substitute Teachers, and Developmentally Disabled Adults exist outside of the revised *Screening and Training Protocol* and should be incorporated into the *Screening and Training Protocol* or at least referenced therein to ensure that SE Coordinators are aware of this additional guidance.
2. To facilitate their use by program constituents, best practices materials should be inventoried, indexed, and periodically and comprehensively reviewed by both the Compliance Coordinator and other members of the OMC to determine whether items are current or require updating based on new challenges, issues, and/or procedures.
3. To avoid possible oversight and enhance accountability through auditable measures, the Safe Environment Disciplinary Procedures should include a specific timetable by which disciplinary measures and enforcement actions will be taken in response to a pastor's, principal's, or camp SE Coordinator's failure to properly adhere to the requirements of the Program and inclusion of specific examples that might result in disciplinary measures. For example, the escalation to the Delegate for failure to meet timetables will occur no later than 10 days after said failure.
4. The Diocese should implement a comprehensive date and version control system on all policy, procedure, protocol, and other program documents that are published and used as part of the Program. Documents that supersede previous versions should be so marked, and clear and regular communications should be provided to help ensure that everyone involved with the Program is using the correct, current documents, thus avoiding potential confusion or oversight of new information or procedures.

b. Organizational Structure and Oversight

1. The Risk Assessment Matrix should be revised to include explicit instructions, and the rating system currently employed should be reevaluated to determine whether it is effective as adopted. Without remediation of the rating issues previously noted, the Diocese runs the risk of improperly focusing its limited resources.
2. The volume of work required for the effective management of the Program should be continuously evaluated to assess whether there are particular times, aspects of the Program, or initiatives that would benefit from an increased level of staffing. The OMC might consider adding an additional full-time staff member to assist the Compliance Coordinator throughout the year. This is consistent with a recommendation of the DRB in its 2006 report.
3. The Diocese continues to have difficulty identifying an SE Coordinator for every parish and school. This is a repeat finding that must be resolved for the Program to function effectively. In the alternative to identifying individuals to fulfill these responsibilities, the Diocese should assume responsibility for compliance at any entity where an SE Coordinator position remains vacant.

B Mandatory Reporting and Response

1. Mandatory Reporting

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.¹⁶ 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

¹⁶ Agreement at §2(a).

unknown or if that person is no longer a minor.¹⁷ Further, the Office for Ministerial Conduct must make an immediate oral report to local law enforcement where the suspected 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.¹⁸ In addition, the Agreement, as written, requires that all Church personnel are required personally to make reports directly to Division for Children, Youth and Families (DCYF) and local law enforcement.¹⁹

b. Industry/Organizational 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.²⁰ Furthermore, under the Federal Sentencing Guidelines, such voluntary reporting or disclosure of misconduct or violations is most crucial and considered to have the greatest weight when the misconduct or violation might not have been discovered otherwise.

c. Program Overview

The Diocese continues to maintain its OMC as a centralized location for receipt of calls relating to its Program, including the reporting of allegations, and has appropriately included the contact information for the OMC within the *Policy* section of the *Code and Policy*.

According to the Diocesan documentation provided, between November 1, 2006 and July 24, 2007, the Diocese received 11 reports of alleged sexual abuse that ranged from prior to 1981 to the present, as noted below.

Allegations w/o time frame	Allegations prior to 1981	Allegations between 2000 and 2003	Allegations of a current issue
1	8	1	1

The Diocese provided e-mail evidence that all 11 reports had been referred to the New Hampshire Attorney General's Office, generally within one business day, but always within three business days of the initial report to the Diocese. In the one instance that involved a current situation, the notification to the New Hampshire Attorney General's Office was "immediate" in accordance with the *Policy*.²¹ The Diocese also provided evidence that its internal and external reconciliation procedures were performed and documented in accordance with Program requirements.

d. Findings

1. KPMG evaluated the Diocese's internal reconciliation process by reviewing the "Internal Reconciliation of Reports, Diocese of Manchester – Office for Healing and Pastoral Care" procedural forms. These reconciliations included the reports of allegations noted above and appropriately contained all of the required signatures.

¹⁷ Id. at §2(b).

¹⁸ Id. at §2(c).

¹⁹ Id. at §2(a) and §2(b). See discussion of change to Agreement in Section C - Program Overview.

²⁰ U.S. Sentencing Commission, Guidelines Manual, at §5.K.2.16.

²¹ Diocese of Manchester, *Promise to Protect, Pledge to Heal - Policy for the Protection of Children and Young People* at Page 9, §IC.

2. The Diocese of Manchester and the New Hampshire Attorney General's Office continue to have a coordinated reconciliation process for the verification that all reports of allegations sent to the New Hampshire Attorney General's Office have been received. The Diocese provided documentation that this process is continuing with regularity and efficiency.
3. The records made available to KPMG for review reflected that all allegations of past abuse were reported to the New Hampshire Attorney General's Office promptly. No remedial action was required against the accused in 10 of the 11 reported cases of alleged abuse because the accused had already been restricted or removed from ministry, incarcerated, or was deceased.

The allegations involving Accused ID #3821, the 11th report, related to an "Active" youth minister. The allegation was received on June 13, 2007 and, according to reviewed documentation, reported to the authorities and the New Hampshire Attorney General's Office the same day. A discussion regarding the internal handling of this case is detailed in the Response to Allegations section below.

e. Recommendations for Program Enhancements

1. The Diocese should continue its efforts to promptly and fully report allegations to the appropriate authorities as well as perform quarterly reconciliations to avoid the potential for oversight.

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."²² 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.²³

b. Industry/Organizational Guidance

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

Investigations and Internal Reporting

The revised Policy of the *Code and Policy* now states that "when the Bishop of Manchester deems an allegation of sexual abuse of a minor to have a semblance of truth, the accused will be placed on precautionary leave pending the outcome of the investigation."

The Diocese continues to utilize its own independent contractor investigators and its *Investigative Protocol for Allegations of Sexual Abuse of Minors* (dated May 1, 2006) in accordance with the *Policy*, which 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

²² Agreement at §2.f.

²³ Id. at §2.e.

accordance with protocols developed for addressing such complaints.²⁴ Further, the *Policy* states that internal investigations must be conducted by individuals appropriately trained to conduct such investigations.²⁵

The Diocese continues to utilize its procedural form “Internal Reconciliation of Reports, Diocese of Manchester – Office for Healing and Pastoral Care”, which states in its introduction that it is used “to ensure that all reports of sexual abuse of a minor by Church personnel received by the Office for Healing and Pastoral Care have been reconciled to those received by the Office for Ministerial Conduct.” These forms require the review and signature of Fr. Ed Arsenault, Delegate for Ministerial Conduct; Martha Kipps, Director of Risk Management; Joseph Naff, Director of Office for Healing and Pastoral Care; and Mary Ellen D’Intino, Diocesan Compliance Coordinator.

Remedial Actions Against Accused

The *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.²⁶ As was indicated above, the Diocese responded to one current allegation during the assessment period. This instance involved a youth minister who admitted to sexual misconduct and from records it appears that he was notified immediately that he was permanently restricted from ministry with the Diocese of Manchester.

d. Findings

Investigations and Internal Reporting

1. KPMG has continuously recommended that the *Policy* incorporate language that would reflect that an individual accused of sexual abuse of a minor be removed **immediately** upon receipt of the allegation in accordance with the terms of the Agreement. The *Policy* has been revised in a manner that incorporates appropriate evaluative language regarding allegations requiring that they “...have a semblance of truth” for an accused to be placed on precautionary leave but still does not provide for the timing of such actions.

As an example of the importance of language indicating timetables for actions, although the accused was immediately removed, it appeared from the Diocesan investigative report of the matter involving Accused ID #3821 that the Diocesan investigator did not contact the Pastor of the affected parish until 26 days after receipt of the allegation by the OMC. Neither the Pastor nor the Delegate could provide a reasonable basis for this delay, although the Delegate expressed his belief that the investigation was no longer critical as a result of the accused’s admission. Current investigation protocols do not include a timetable by which such investigations must commence. Additionally, the investigative report gave no indication as to whether the investigation considered the potential knowledge or involvement of others in the situation (i.e., willful blindness).

Remedial Actions Against Accused

2. On the same day the report was received regarding Accused ID #3821, he admitted to the inappropriate sexual conduct with a minor during a face-to-face meeting with the parish Pastor and was immediately terminated from ministry. That same day, the Pastor provided details of the discussion and termination to the Delegate via e-mail, reflecting the seriousness with which the Diocese is currently reacting to such situations.

Approximately one month after receipt of the allegation involving Accused ID #3821, the Pastor involved was reassigned to another parish. The Pastor explained that he understood that the Bishop wanted to fill a vacancy at the parishes to which he was reassigned. In subsequent

²⁴ *Policy* at Page 6, §I.A.

²⁵ *Id.* at Page 7, §I.B.

²⁶ *Id.* at Page 7, §I.A.1.

meetings between KPMG, the Bishop, and Fr. Arsenault, both the Bishop and Fr. Arsenault indicated that there was no connection between the incident involving Accused ID #3821 and the decision to reassign the Pastor. KPMG was advised by the Diocesan Attorney that no documentation in regard to this reassignment was available for KPMG to evaluate. Thus KPMG could not substantiate via documentary evidence supporting that there was no connection between the event and the Pastor's subsequent reassignment.

e. Recommendations for Program Enhancements

Investigations and Internal Reporting

1. The Diocese should consider revising the *Code and Policy* so that language is incorporated that reflects the need to remove individuals from working with minors **immediately** upon receipt of an allegation with a semblance of truth. While this appears to be current practice, the sustainability of the Program will require that both mandated and practiced procedures be memorialized within the Diocese's policies and procedures.
2. It is important to initiate all investigations as soon as practicable. Thus the Diocese should consider revising its investigative protocol to include the incorporation of a specific timetable for the initiation of investigations following receipt of allegations, case prioritization, and potential goals for various aspects of the investigation. Furthermore, investigative protocols should now be updated to require a determination as to whether other individuals had knowledge of, or should have been aware of, the alleged abuse but failed to report such abuse in accordance with *Code and Policy*. In addition, the protocol should acknowledge the need for cooperation and coordination with civil authorities involved with related investigations.
3. The diocese should consider maintaining documentation supporting the basis for reassigned ministry to prevent the appearance of any improper retaliatory actions or relocations that may be perceived responsive to the identification, reporting, or enforcement of the Program's requirements.

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.²⁷ 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/Organizational Guidance

The current 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 of due diligence, has engaged in illegal activities or conduct inconsistent with an effective compliance program."²⁸ 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.²⁹

In addition, the United States Conference of Catholic Bishops (USCCB) has issued *Guidelines for Implementation of Safe Environment Programs* that specifically require employees/volunteers to

²⁷ Agreement at §3.

²⁸ U.S. Sentencing Commission, *Guidelines Manual*, at §8B2.1(b)(3) (November 2007).

²⁹ Id. at *Application Notes* §4B.

undergo criminal history checks, self-disclose allegations of abuse, and undergo a check of references.

c. Program Overview

Screening and Training Protocol

On July 1, 2007, the Diocese of Manchester issued a revised *Screening and Training Protocol*. The revised *Screening and Training Protocol* contains several changes from the previous version, dated May 1, 2006. Among those are:

- (1) The addition of “vacation Bible school teachers and aides” to the definition of employees and volunteers
- (2) The addition of Praesidium *Called to Protect* Workshop as an acceptable alternative to PGC training
- (3) The requirement that the relevant parish, school, or camp conduct an “initial” National Sex Offender Public Registry check, which is then followed by a second check performed by the OMC and documented at the Diocese
- (4) The acceptance of 1) military clearances or 2) a visa to enter the United States in lieu of state-provided criminal background checks
- (5) The requirement that a National Sex Offender Public Registry check be re-accomplished every three years for individuals who work with minors.

Safe Environment Database

In December 2006, the Diocese hired a third-party vendor to assist it in the creation of a new Web-based SE Database.³⁰ On April 7, 2007, the old Access platform was merged into a new SQL database, which is hosted by the third-party vendor.

Between April and June 2007, the Diocese provided all schools, parishes, and camps access to the new SE Database on a rolling basis. During that time, the Diocese distributed a SE Database User Guide and a SE Database Reference Guide to all training personnel and SE Coordinators.

The new SE Database is currently being used by the Diocese and Diocesan entities to track screening and training requirements and to verify individual eligibility for ministry with minors. As such the SE Database tracks the status of personnel, which are defined by the SE Database Reference Guide as follows:

Active: The person is currently working regularly with minors and has completed all requirements.

Pending: The person will work with minors and is in the process of completing the requirements. Pending people must complete their requirements within the stated deadlines or must be placed on Inactive status.

Inactive: The person is not currently working in a position with minors and/or is ineligible to work with minors due to failure to complete requirements or other circumstances.³¹

The SE Database uses a “comments field” in conjunction with individuals who are “restricted” that indicates what restrictions on ministry have been imposed.³² A restricted individual cannot be added to an entity; if attempted, a note will appear directing the SE Database user to contact the OMC for further information concerning restrictions regarding the individual.

³⁰ In March 2004, in accordance with the *Policy*, the OMC began development of an initial Access database to track adherence to the screening requirements for all Diocesan Church personnel. The SE Database was designed to track all levels of Church personnel, identifying completion dates for screening forms, criminal record searches, sex offender registry searches, and training.

³¹ Diocese of Manchester, *SE Database Reference Guide*.

³² *Screening and Training Protocol* (July 2007) at Page 13, §5.

The development and implementation of the new SE Database provided the opportunity for KPMG to conduct testing and evaluation of the Safe Environment data, the results of which are discussed in detail in the findings section below.

Diocesan Site Revisits

Since last year's assessment, the Diocese, through its Compliance Coordinator, has implemented a new protocol requiring all diocesan camps, schools, and parishes to be visited on at least a triennial basis beginning as of January 2007. The Diocese prioritized and scheduled the 2007 site revisits based on the Risk-Based Plan and Risk Assessment Matrix, as described above in Section IV4b.1 of this report on page 9.

The Diocese developed, as a result, a formal camp-specific Safe Environment Review Procedure. The Compliance Coordinator's site revisit reports, titled Safe Environment Reports, refer to a Safe Environment Review Protocol for parish and school reviews; although KPMG was not provided with a specific document so entitled,³³ detailed site visit procedures are listed in the Safe Environment Review Worksheet. Examples of the Safe Environment Review Worksheets are contained within the Safe Environment Reports and appear to serve as the reviewer's guide and list of tasks to be performed before, during, and after each site visit.

According to the Safe Environment Reports, each Diocesan site visit was coordinated in advance; as such, the Compliance Coordinator's office provides each site with a list of tasks to complete in preparation for the visit, including a review of the applicable protocols, as well as a review of the online database for accuracy, verification and organization of personnel files.

For each site visit, a Compliance Coordinator representative met with the SE Coordinator and/or the pastor, principal, or director. According to the Safe Environment Review Protocol, as referenced in the Compliance Coordinator's Safe Environment Reports, the Compliance Coordinator reviews "up to 5 employee files and 25 percent of volunteer files, not to exceed 25 files." The reviewer checked Active and Pending files for the presence of an Application or Screening Form and an Acknowledgement Form, the dates of which are reconciled to the Diocese's printout from the SE Database. The entity may also choose to retain evidence of, for example, PGC Training attendance; if present, the reviewer reconciled these dates against the SE Database as well. The Compliance Coordinator notes any discrepancies and makes the appropriate changes in the database.

Upon completion of the site review process, an "Exit Sheet – Missing Items" form was completed that outlined all issues that remain to be resolved in order to achieve compliance with screening and training requirements. The SE representative is required to sign a copy of this list in order to affirm that outstanding items will be promptly resolved.³⁴ The SE representative also signs to acknowledge that, if the employee or volunteer has not resolved these issues within the timetable outlined on the "Exit Sheet – Missing Items" form, the individual must be placed in Inactive status. Upon exceeding this timetable, the SE representative is required to sign and send a letter to the OMC certifying that the individual has been moved to Inactive status and is no longer actively working with minors.

In addition to the site revisits described above, the Compliance Coordinator's office also conducts spot checks of Diocesan entities. As of the date of KPMG's assessment, the Compliance Coordinator's office had conducted three spot checks. The Compliance Coordinator's spot check Safe Environment Reports indicate that these spot checks are dependent on varying circumstances and that the review procedures are thus adapted to fit the specific circumstances and areas of concern related to each entity. As KPMG was not provided with a specific spot check protocol, it appears that the Compliance Coordinator followed the Safe Environment Review Protocol as applied during regular parish and school site revisits.

1. Criminal Records

³³ Although not provided with a particular document entitled Safe Environment Review Protocol for parishes and schools, for purposes of clarity within this report, KPMG will refer to this document as it is referenced by other Diocesan documents that were evaluated by KPMG.

³⁴ The Diocese of Manchester Exit Sheet - Missing Items form requires that discrepancies be resolved within 10 business days for camps and 30 business days for parishes and schools.

In 2007 the Diocese updated its process for obtaining out-of-state criminal records checks of employees and volunteers as follows: 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). For Massachusetts, a Criminal Offender Record Information (CORI) check is conducted. For all other states, a background check is conducted through Choice Point, an online service.³⁵

2. **Screening Forms**

There have been no changes made to the screening forms utilized by the Diocese since the 2006 KPMG Program Assessment Report. As such, the Diocese continues to require that all employees and volunteers must sign an application form requesting that the applicant self-disclose if they were ever investigated by the DCYF, accused or convicted of any sexual abuse, and/or have been subject to any court order involving allegations of “sexual, physical, or verbal abuse of a minor.”³⁶

Parishes, schools, and 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 OMC. The OMC reviews the forms and assess the severity of the offense in accordance with defined parameters.³⁷

3. **National Sex Offender Public Registry Checks**

The Diocese has updated its protocol for performing checks of the NSOPR within its *Screening and Training Protocol*.³⁸ To evidence the search performed, the Diocese now requires the OMC to retain a printed copy of the NSOPR results. As a result of this change in policy, the Diocese ran checks of all Active and Pending employees and volunteers through the NSOPR during the spring of 2007, retaining the printed results at the OMC. The OMC now performs an NSOPR check to coincide with the completion of an individual’s criminal records check and retains a copy of the printout at the Diocese.

In addition, the *Screening and Training Protocol* section on pastor, principal and camp director responsibilities has been updated to require an “initial” check of the NSOPR for employees and volunteers. There is no requirement, however, to retain printed copies of the results at the entity.³⁹

d. **Findings**

Screening and Training Protocol

1. The *Screening and Training Protocol* requires specific language to be present in contracts with all independent contractors who regularly work with minors. KPMG evaluated contracts for eight independent contractors who regularly work with minors employed by the Diocese between November 1, 2006 and July 24, 2007. All eight contracts contained the appropriate language in accordance with the *Screening and Training Protocol*.⁴⁰ KPMG also found evidence that the Compliance Coordinator has sent diocesan sites reminders to include the appropriate independent contractor screening language for those independent contractors who regularly work with minors in accordance with the recommendation in Section IV C 1e.11 of the 2006 KPMG Program Assessment Report.⁴¹

³⁵ *Screening and Training Protocol* (July 2007) at Page 8, §3. According to its Web site, Choice Point is an established background check vendor that performs out-of-state criminal background checks on a variety of levels in various states.

³⁶ Diocese of Manchester, *Screening Form for Volunteers and Current Employees*, March 2004 at Page 2.

³⁷ *Screening and Training Protocol* (July 2007) at Page 10, §2.

³⁸ *Id.* at Page 8, §2.d.

³⁹ *Id.* at Page 7, §1.d.

⁴⁰ KPMG did not independently validate whether there were any other independent contractors regularly working with minors, working at diocesan sites during that period.

⁴¹ *Screening and Training Protocol* (July 2007) at Page 6, §4.

Safe Environment Database

2. The SE Database as described in section IV C 1.c. above is primarily managed by the SE Assistant and the Diocesan Database Consultant. They indicated that there was no manual, protocol, or documentation that describes the database's functionality; the processes and procedures to manage input and output of data and information; the access controls; or reporting capabilities. Given the critical role the database fills around compliance management and monitoring, documentation about its capabilities and administration is essential to the Program's sustained success.

While developing the new SE Database, the Diocese performed limited testing of the database (i.e., made attempts to determine whether dates might have been entered as all zeros). However, there is no formal program for ongoing testing, thus leaving the potential for gaps and/or erroneous entries. This is a critical step in the creation and continuing database effectiveness. The Diocese attempted to incorporate various controls into the database, such as preventing an individual from being identified in the system as Active (as defined in the Safe Environment User Guide) unless all of the screening and training requirements have a date entered into each of the required fields. However, based on the results of KPMG's database queries as noted below in this section at # 6a, it appears that this control may not be working, nor are there currently any controls to prevent someone from entering an artificial or inaccurate date.

3. The Diocese appropriately continues to define key dates within the SE Database interface, which correspond to the Program's timetable of requirements. Some weaknesses were observed in the effective application of these dates. For example, the SE Database does not yet capture an individual's start date (i.e., the date that starts the timeline for completion of the screening and training requirements). Although the Diocese has identified this issue as an item in its Action Plan II to be addressed by December 31, 2007, the database currently uses what is identified as the add dates as a de-facto start date. The add date is created by the SE Database system automatically and reflects either the date on which data was first entered for a particular individual, or the arbitrary date of 4/30/06 when SE data was migrated from the original Access database into an updated Access database on May 1, 2006.

The lack of a true start date field in the SE Database, with specifically defined parameters, creates the potential for inconsistency and confusion among SE Coordinators in accurately identifying the proper timetables for the completion of screening requirements, especially because the add date can be seen only by the system administrators. In working with the SE Database, it is therefore difficult to determine precisely how long an employee or volunteer has been working with minors.

In conjunction with the use of the add date, the OMC has implemented database parameters that identify someone as past due for the completion of any element of the revised *Screening and Training Protocol* at 45 days from the add date. When the SE Database user at a particular site runs a search for individuals in a Pending status, the names of any individuals who have exceeded this 45-day parameter will appear in red. Although such exception reports are a useful tool, as it is currently set, the database does not identify individuals who have exceeded the 30-day deadline for completion of particular screening and training requirements.

During discussions with the Diocesan Database Consultant, KPMG found that it is possible to set SE Database exception reporting parameters at 30 days rather than 45 days and that it is possible to set several parameters, so that the various requirements outlined within the *Screening and Training Protocol* could be accurately monitored against the specific *Screening and Training Protocol* requirements.

One observed weakness is that the SE Database does not currently send out automatic messages or notifications when someone appears on these reports. Rather, the SE Database currently requires a user to log onto the database in order to see that someone in a Pending status has a red highlight indicating the overdue status of their requirements. This can result in additional time passing without the resolution of past-due requirements.

4. Apparently, and in addition to the above noted exception reporting, the SE Database has the ability to generate reports on specific program metrics, which allow the Diocese to proactively

measure and manage compliance with program requirements. For example, the SE Database has a built-in audit log that records information regarding data input. This function can be used to determine, for example, 1) what data was entered or changed for a particular individual or site according to “log-in” name, 2) when data was entered or changed for a particular individual or site, and 3) which data was entered or changed by a particular user. Highlighting this audit capability to users may serve to both emphasize the need for accuracy in putting names, as well as deter the potential input of improper dates.

In addition, the new SE Database has powerful data analytics and reporting capabilities that will be critical to the Program’s administration and provide the OMC with the ability to promptly identify and remedy potential gaps in compliance. KPMG received a list of predefined SE Database reporting queries that are used to generate these reports for the OMC, and the Delegate stated that he frequently requests reports on various sites and/or the status of various entities. However, no schedule for specific reports has been developed or implemented, although it was expressed by interviewees that the development of a more structured and formalized process of report production is under active consideration. These types of reports and controls lend to the database’s credibility through enhanced access monitoring and accountability for proper use of the SE Database.

5. KPMG was given access to a test “segment” of the web-based user interface of the SE Database, and with some initial instruction from members of the OMC, KPMG found it to be relatively easy to use and intuitive. Upon logging onto the database, an e-mail was generated and sent to KPMG’s e-mail address confirming a successful log-on using the provided ID and password. This security feature helps to confirm appropriate or authorized access and aptly demonstrates the system’s ability to generate and disseminate automated notifications to system users via e-mail.

In addition to access to the “test segment,” KPMG was also provided a copy of the Safe Environment data as it existed on August 20, 2007. KPMG conducted analysis and testing on the SE Database data provided, the results of which were discussed with the OMC and are outlined below:

- a) During testing KPMG identified 55 individuals who were listed as Active but without any dates for CRR or NSOPR.
 - 1) Among the 55 individuals, there were three duplications (i.e., listed in the SE Database twice due to variations in name spelling). It is important to note that such misspellings can potentially prevent the identification of individuals who may be restricted from ministry when attempting to add them to an entity.
 - 2) KPMG provided the 55 names to the Diocese and received a response from the Diocesan Attorney that provided a response for each individual identified. **(Exhibit C)** According to that response, there were 34 individuals who were determined to be minors and, therefore, were not required to meet the screening criteria. There were 20 individuals (including 3 duplicate names) who, although they were not listed as having a particular entity affiliation, were still listed as Active without the required screening criteria and needed to have their status changed in the database to Inactive, which was reportedly done. The Diocese also reported that there was documentation that the remaining individual had completed the required screening and training requirements, but that the information had not been properly entered into the database.

INDIVIDUALS LISTED AS ACTIVE WITHOUT DATES COMPLETED				
Minors not requiring CRR	Individuals w/o affiliation; status changed to Inactive	Duplicate Names; Individuals w/o affiliation; status changed to Inactive	Individual with completed requirements but not properly recorded in SE Database	Total
34	17	3	1	55

- b) KPMG identified a school coach (Safe Environment ID #28189) listed in the SE Database with an add date of “12/5/06” with no CRR or NSOPR dates listed. This individual was listed in Pending status. KPMG was subsequently advised that no record of a CRR could be located, and the individual’s status was changed in the database by the Diocese to Inactive.

Going forward, the Diocese will be able to utilize the SE Database to obtain critical information in a timely manner to identify areas of high compliance as well as those where additional efforts are still required.

Diocesan Site Revisits

6. The 2007 Diocesan site revisits revealed the need for continued improvement at many of the visited sites as evidenced by the following findings:
- a) In evaluating the 2007 Diocesan Safe Environment Reports, KPMG noted that, while not in conflict with the Diocese’s policies, often the site reviewer’s sample size was disproportionate to employee/volunteer population. For example, in the Safe Environment Report for a school in Dover that was listed as having “over 200 people listed as actively working with minors,” only 5 employee files and 25 volunteer files were reviewed.⁴² Additionally, the reviewer noted that the SE Coordinator at this site does not regularly make updates regarding individuals who are working with minors. While these factors suggest the potential for an increased risk of employees or volunteers working with minors who have not completed their screening and training requirements, there was no evidence that a larger test sample was considered, as it should have been, to address this.

KPMG also found, through review of Safe Environment Review reports and discussion with Diocesan personnel, that only the files of Active and Pending personnel were reviewed. Inactive personnel files were not considered, and there appeared to be no process to verify that Inactive personnel were, in fact, not working with minors. This limitation may result in the failure to identify individuals incorrectly labeled as Inactive in the database and perhaps not in compliance with the screening and training requirements.

- b) There were several instances during the 2007 site revisits in which employees and volunteers continued to be noncompliant beyond the applicable screening and training requirement deadlines. Out of the sixteen 2007 Safe Environment Reports by the Compliance Coordinator that KPMG evaluated, 5 sites (31 percent) were required to submit a signed letter verifying that noncompliant individuals were later moved to Inactive status. While KPMG found that the Compliance Coordinator does make a documented effort to follow up with entities that have noncompliant individuals working with minors, the effectiveness of those efforts is limited, however, by the action or inaction of the entity SE Coordinator, pastor, principal, and/or camp director.
- c) There are many sites that regularly and effectively communicate with the OMC. However, several Safe Environment Reports revealed potentially inadequate levels of communication by those responsible for the Program at the entity level. For example, reports from at least 2 of 16 (13 percent) 2007 site visits indicate that the SE Coordinators do not regularly make updates to the Diocese regarding new and existing employees and volunteers.

In addition, several Safe Environment Reports reveal that entities are not following specific timetables set forth by the Compliance Coordinator’s Exit Sheet – Missing Items form, which outlines that “missing items must be obtained within ten (10) business days” for camps or “thirty (30) business days” for parishes and schools and that noncompliant personnel “must complete the requirements... or must be placed on Inactive status.” SE Coordinators acknowledge that they will “forward verification that the items have been completed... and/or verification that the person has been placed on Inactive status... on or before the due date.”

However, the Compliance Coordinator’s Safe Environment Report regarding one particular site indicates that the letter to verify certain noncompliant personnel had been moved into Inactive status (due to continued noncompliance) was not signed and returned until 73 days after the parish site visit. Thus, individuals may have been actively working with minors for more than

⁴² Diocese of Manchester, Safe Environment Review Worksheet at §C.1.

two months after gaps in their screening and training requirements were identified by the site reviewer.

After a school site visit, 13 people were moved to Inactive status; however, the letter to verify this action was signed 57 days after the site visit precipitating this action rather than within the 30 days set by the Compliance Coordinator. It thus appears that those 13 individuals may have been allowed to work with minors for nearly two months even after being identified as noncompliant.

This lack of timely communication by SE Coordinators, resulting in instances of extended noncompliance, highlights the importance of holding SE Coordinators accountable for their responsibilities of administering and enforcing adherence to Safe Environment policies, protocols, and timetable requirements.

- d) KPMG found that in the cases of continued noncompliance, the practice has been for the Compliance Coordinator to escalate the issue to the Associate Delegate and/or the Delegate, who responds with a letter to the pastor, principal, or director reminding them of their duty to ensure compliance of all their employees and volunteers with the screening and training requirements. KPMG found that in many cases, only after receiving communication from the Associate Delegate or the Delegate did the SE representative follow through with the tasks set forth during the site visit.

In one specific case, a Safe Environment Report revealed that a site visit occurred on 6/8/07, and the letter from the Delegate was dated 8/8/07, approximately two months later. At the time of KPMG's assessment at the end of August 2007, the Diocese had not yet received a signature from the Pastor verifying that the individuals had been moved to Inactive status.

KPMG determined through interviews with Diocesan personnel that there is no established timetable for the escalation of extended noncompliance issues to the Associate Delegate or the Delegate as would be needed to help ensure consistent and effective enforcement of the requirements of the Program going forward.

7. KPMG noted that spot check visits were coordinated with at least one week advance notice, the result of which may skew actual compliance levels by affording time for the SE Database and/or records to be updated or changed.

KPMG Site Visits

On October 3 and 4, KPMG conducted visits to five sites, which included a high school, an elementary school, a camp, and two parishes. The primary goals of KPMG's site visits were to evaluate whether all individuals who are working with minors had been properly identified, 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 *Screening and Training Protocol*.

Each entity was prepared by the OMC for KPMG's visit with instructions to print lists from the SE Database of its Active, Pending, and Inactive personnel. KPMG met with Safe Environment representatives to discuss the Safe Environment Program and to review a sample selection of Safe Environment files. Subsequently, KPMG returned to the Diocese and evaluated documentation from the OMC to further test information from the sites and in the SE Database.

8. KPMG found that overall, the SE Coordinators have a basic understanding of the screening and training requirements, good organization of the files, and familiarity with the SE Database. However, some SE Coordinators were unclear on particular details of some Safe Environment policies and protocols. For example, one SE Coordinator thought that the deadline for employees' submission of screening and training documents was 45 days instead of the actual 30 days. Moreover, SE Coordinators at two sites stated to KPMG during visits that they had not yet read the revised *Screening and Training Protocol* dated July 1, 2007.

During the visits, each SE Coordinator was asked by KPMG whether there were any individuals who were working with minors who were not on the Active or Pending lists presented to KPMG

for assessment. Each SE Coordinator stated that there was no one at their site who was working with minors and not listed on their SE Active or Pending lists presented.⁴³

KPMG evaluated records in 67 files at the various entities for Active and Pending employees and volunteers, which generally reflected improvements in most areas from KPMG's 2006 site visit findings. For example:

- a. Files at the Diocese did not contain evidence of NSOPR checks for nine tested individuals (13 percent), although a date for its completion was reflected in the SE Database.
- b. Files at the Diocese had documentation of NSOPR checks for 11 tested individuals (16 percent) whose dates did not correspond to the dates in the SE Database.
- c. One file (1 percent) at the tested entities had dates in the SE Database for *PGC* training that did not match documents at the Diocese.
- d. Two files (3 percent) at the tested sites had a date on the individual's CRR release form that was after the date listed on the CRR completion letters from the Diocese.
- e. One file (1 percent) at the tested sites had a date on the individual's CRR release form which was after the CRR date listed in the SE Database.
- f. Files at the Diocese did not contain proof of *PGC* training attendance for 2 tested files (3 percent), the date of which was during or prior to 2002⁴⁴, according to the SE Database.
- g. Files at the Diocese did not contain proof of *PGC* training attendance for 2 tested files (3 percent), the date of which was after 2002, according to the SE Database.
- h. Two files (3 percent) at the tested entities did not contain an Acknowledgement Form, although a date for their completion was reflected in the SE Database.
- i. Nine files (13 percent) at the tested entities contained Acknowledgement Forms with dates that did not match the dates in the SE Database.
- j. Five files (7 percent) at the tested entities contained neither an Application nor a Screening form.

However, in total there were 31 files (46 percent) that had some type of discrepancy, inaccuracy, exception, or omission.

9. There were various instances of noncompliance based on KPMG's assessment of the records. Specifically, for example, KPMG determined through evaluation of information in the SE Database in conjunction with on-site records at a high school that two coaches employed during 2006, as confirmed by payroll records, did not have dates entered in the SE Database to indicate that they had either a completed CRR or an Acknowledgement Form. One of these also did not have a date in the SE Database for *PGC* training. Since CRR documents for schools are destroyed as required by state regulation, it is the date in the SE Database that serves as verification that this screening requirement has been met. While this reflects a gap in 2006, it exemplifies that the use of the SE Database in combination with continued oversight will help to identify and minimize such gaps in the future.

In another example, at one of the schools KPMG visited, an individual was actively working with minors even though no record of *PGC* training was found in the SE Database or within the Diocesan site files. As of the date of KPMG's site review on October 3, information in the SE Database, such as an NSOPR date of 3/30/04 and a CRR date of 8/2/04, indicated that the individual has likely been working with minors for more than three years. However, KPMG reviewed a SE Database printout dated "as of 10/18/07," which indicated that the individual attended *PGC* training on 10/4/07, the day after KPMG's visit. An assessment of the Diocesan web site calendar of events for October 2007 showed that no workshop was scheduled for October 4. While this may raise the concern for the input of potentially inaccurate entries, it also serves as an opportunity to capitalize on the capabilities of the SE Database audit log to

⁴³ KPMG did not independently validate whether there were individuals working with minors who were not listed on the SE Active or Pending lists presented.

⁴⁴ The OMC advised that some attendance lists for *PGC* training generally between 2001 and 2002, were either "lost or destroyed."

determine the root-cause of any such errors and enhance procedures, guidance, or training as appropriate.

Finally, during its camp visit on 10/4/07, KPMG also found that there were three camp counselors who worked with minors during Exceptional Citizens (EC) Week⁴⁵ in 2007 but who did not have a completed CRR check. During KPMG's conversation with the Delegate in regard to this issue, he acknowledged there is a challenge finding a mechanism to complete screening requirements for the camps, especially for sessions as short as EC Week, which lasts only a single week and uses camp counselors only for that period of time. The Delegate noted he and his staff are continuing to evaluate methods that will allow all screening to be accomplished prior to the start of camp.

Criminal Record Checks

10. Contrary to KPMG's 2006 recommendation,⁴⁶ the revised *Screening and Training Protocol* has been updated to reflect the acceptance of 1) military clearances and 2) U.S. visas in lieu of state-provided criminal background checks. While military clearances involve a criminal records check, they may be outdated. Moreover, they may not be sufficiently detailed so as to provide adequate information with which to evaluate an individual's suitability to work with minors.
11. This year the Diocese has taken several positive steps in dealing with criminal record checks such as consolidating the processing and record-keeping functions within the OMC. Specifically, all criminal records checks conducted by the Diocese are now being sent through the OMC where they are documented and tracked. This type of record consolidation will enhance not only the preservation of records but also serves to emphasize the criticality of the records that support this Program.

Additionally, the Diocese is using a single online service provider, Choice Point, for some out-of-state criminal records checks. While this minimizes the issue of self-supplied out-of-state criminal records, it must be noted that according to the Choice Point literature, the records research is not similar for all states depending on the screening package utilized, and therefore, the Diocese may need to assess when additional diligence is needed to ensure that consistent and thorough screening is obtained.

National Sex Offender Public Registry Checks

12. The revision of the *Screening and Training Protocol* has resulted in the performance of two NSOPR checks—the "initial" check at the entity and the second, documented check at the OMC.⁴⁷ This procedure is a key program enhancement that provides for an expedient first NSOPR check to determine whether there are any "red flags" and a second NSOPR check at the OMC that serves as the official, documented check, which reduces potential oversight, can enhance accuracy, and creates a centralized repository for documentation.

While the sites are not required to retain evidence of NSOPR checks in personnel files, some sites elected to retain printed copies of their initial NSOPR checks. KPMG's evaluation of those printouts at one site indicated that the SE Coordinator who conducted the checks appeared to be unfamiliar with the appropriate procedures. Rather than choosing the option to run a nationwide check, the SE Coordinator ran a check on one local town or city, where the employee or volunteer resided. Limiting the checks in this manner can defeat the purpose of using the National Sex Offender Public Registry and potentially miss important information. The incident suggests the need for continued communication and additional training between the OMC and SE Coordinators to ensure full understanding of all SE procedures.

KPMG noted, however, that there were some limitations in the NSOPR checks that were performed during the spring of 2007.

⁴⁵ "Exceptional Citizens (EC) Week is a nonsectarian outdoor camp experience that enables developmentally and physically challenged people to have the same camp opportunities as others." {<http://mysite.verizon.net/vze3nm2c/suncooklakesandhuntresspond/id14.html>}

⁴⁶ 2006 KPMG Program Assessment Report at Page 34, §C.1.e.4.

⁴⁷ *Screening and Training Protocol* (July 2007) at Page 7, §1.d.

- a. In some cases where results returned a potential match, the page was stamped "Date of birth does not match entry on NSOPR Website" and initialed by a reviewer to indicate that a second level review was conducted. However, in several checks with potential hits, the printout was not stamped and gave no indication that this second level review was conducted and/or the ultimate decision reached.
- b. In several cases, the NSOPR search system failed in a particular state, as evidenced by a note from the screen print, such as "Illinois: The task failed" or "Texas: The state requires additional search criteria." Where these types of failures occurred, it does not appear that any follow-up was conducted (i.e., an additional search of IL or TX) that, depending upon an individual applicant, may have been relevant; if not relevant, such documentation should be clearly annotated.

Additionally, the revised *Screening and Training Protocol* also requires NSOPR rechecks for all active church personnel every three years. This procedure will help to ensure the detection of individuals listed on the NSOPR after their initial check(s) were performed.

e. Recommendations for Program Enhancements

Safe Environment Database

1. While the SE Database is relatively new and the OMC is determining how best to leverage it, several items should be evaluated for potential implementation, such as the creation of a manual that identifies the database's functionality, data parameters, report generation processes, data storage, and access controls for the administration of the SE Database. Creation of a comprehensive manual will allow for uniform and consistent application and utilization as well as an understanding of the Program's capabilities on a long-term basis.
2. In addition, a data testing procedure should be developed and implemented to validate and/or verify the accuracy of data contained in the database. Such a SE Database QC program should be undertaken on a regular schedule with defined data analysis to reduce the potential for errors within the data. Particular care should be taken with regard to validating the accuracy of CRR dates entered for school employees, as the Diocese is required to destroy these records. Additionally, the OMC may want to consider emphasizing the audit log capabilities of the SE Database to users, which may thereby serve to motivate users to focus on data input accuracy as well as possibly deter input of improper dates.
3. The Diocese should continue to consider modification of the SE Database to implement exception reporting on past due compliance requirements that are in accordance with the specific *Screening and Training Protocol* requirements (i.e., 30 days or 90 days) instead of the currently utilized parameter of 45 days.
4. The Diocese should consider the creation of a set schedule for running specific queries and reports to ensure that the database information is being reviewed and analyzed on a regular basis. Such regular review will help ensure that any personnel issues are resolved in a timely manner and will allow the Diocese to measure and track completion.
5. To further improve upon the SE Database system, the Diocese should implement the use of automatically generated notifications to the SE Coordinator and/or principal user for the appropriate site, the Compliance Coordinator, and the SE Assistant whenever an individual has exceeded the *Screening and Training Protocol* timetables without completing the appropriate requirements. This will allow for proactive and immediate nullification.

The continual improvement and refinement of the SE Database is consistent with a recommendation of the DRB in its 2006 report.

Diocesan Site Visits

6. To ensure adequate testing, the sample size for both employees and volunteers should be proportionate to the parish or school population and be adopted in accordance with the particular risks of that entity. In other words, higher-risk entities should require a larger test population.

7. The Diocesan site visits should include a process by which it can be confirmed that Inactive personnel are not, in fact, working with minors. For example, payroll documents could be reconciled against the SE Database list of Active and Inactive personnel to ensure that each position is filled by someone from one of those two categories.
8. To achieve the most accurate assessment possible, the spot check by the Compliance Coordinator should be conducted with the absolute minimum notice possible, potentially incorporating an occasional unannounced visit to a site where the SE Coordinator is known to be usually available or combined with other visits. Unannounced spot checks that are unsuccessful should also be documented to record the effort in performing them.

Criminal Record Checks

9. To avoid the inadvertent use of potentially outdated, inaccurate, or incomplete information, the Diocese should reconsider its acceptance of military clearances or U.S. visas in lieu of a state-provided criminal background check or records provided by a third-party background research company. The Diocese should only accept current state-provided criminal background checks or records provided by an established third-party background records service provider.
10. To compensate for criminal records checks by an online service provider that does not cover all states similarly, the Diocese should conduct and document additional due diligence as needed when using this type of service for background checks.

Sex Offender Registry Checks

11. The Diocese and all entities should ensure that all NSOPR check results are properly reviewed and documented. For example, searches with results indicating that specific states are unavailable should be annotated directly on the NSOPR printout as to whether or not this is relevant to that particular individual. In addition, the checks should clearly document any resolution relating to partial name match and the rationale therefore.

2. Training Personnel, Communications, 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 should also acknowledge that they had read and understood the diocesan *Policy* and “have received specialized instruction” on it.

b. Industry/Organizational Guidance

The Guidelines have been enhanced from their original requirement for “effective communication to all levels of employees” by incorporating 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.⁴⁸

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 *Code and Policy* requires all Church personnel who regularly work with minors to receive instruction on the mandatory reporting requirements.⁴⁹ Employees are required to undergo such training as part

⁴⁸ U.S. Sentencing Commission, *Guidelines Manual*, at §8B2.1(b)(4) (November 2007).

⁴⁹ *Policy* at Page 4, §III.A.

of the orientation process, while volunteers who work with minors are given three months in which to participate in the class.⁵⁰

(b) PGC Refresher Training

According to the *Policy*, all Church personnel who regularly work with minors must undergo ongoing or refresher training on child sexual abuse once every three years. Such training may include a self-test or assessment component.⁵¹

The Diocese developed a new *PGC* refresher training bulletin to replace the online VIRTUS training program that they had utilized in the past. The four-page bulletin contains information regarding the prevention and response to incidents of sexual abuse; examples include a list of warning signs, guidelines for expressing affection, and the contact information for several resources including the Office of Healing and Pastoral Care.

The *PGC* Refresher training bulletin was distributed along with a copy of the revised *Code and Policy* to all entity employees and volunteers during the spring of 2007. SE representatives signed forms acknowledging the distribution of the materials to all employees and volunteers actively working with minors.

(2) Communication

The *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.⁵² 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.⁵³

(3) Acknowledgments

In accordance with the terms of the Agreement, the *Policy* also requires that all Church personnel who regularly work with minors and clerics assigned to ministry and who serve in supply ministry must receive instruction on the Diocese's mandatory reporting requirements and must sign an acknowledgement form stating that they have read and understood those requirements.⁵⁴

d. Findings

Training of Church Personnel

1. Appropriately, the Delegate noted that he recognizes the importance of keeping training and education programs current. He is anticipating reevaluating the present training programs, some of which were developed several years ago, to ensure that they are designed to meet today's environment.
2. The OMC advised that some attendance lists for *PGC* training between 2001 and 2002, were either "lost or destroyed." Therefore, the OMC recently formulated a policy in response to this situation whereby an individual who "has a witness to verify his/her attendance at the training" may sign a verification form, which the Diocese accepts as proof of attendance.⁵⁵

⁵⁰ Id. at Page 4, §III.B.

⁵¹ Id. at Page 4, § III.C.

⁵² Id. at Page 10, §I.B.

⁵³ Id. at Page 10, §II.A.

⁵⁴ Id. at Page 4, §III.A.

⁵⁵ Diocese of Manchester, *Policy Regarding Individuals Who Attended PGC Training for Whom No Training Attendance List Exists*, Version 2.0, April, 2007.

For example, during KPMG's evaluation, camp files revealed that camp directors provided verification forms for multiple employees or volunteers attesting that they had attended *PGC* training. Those forms were based primarily on memory for attendance on specific dates of attendance as far back as 2001.⁵⁶ In some cases, only the year of attendance was documented. This practice is an example of self-reporting. However, the Delegate explained that it was a first step to address the issue of the missing records and that other remedial action will be evaluated.

3. There is no apparent method to track receipt and acknowledgment of the *PGC* refresher training bulletin by employees and volunteers. The dates the bulletin was distributed were not recorded in the SE Database. Refresher training is essential to ensuring continued awareness of the Program requirements. The absence of a method to track receipt and acknowledgement may leave potential gaps in monitoring of the triennial *PGC* training certification going forward.

Communication

4. Appropriately, the Diocese continues to distribute Safe Environment Newsletters to all pastors, principals, the SE Coordinators, and the DRB three times each year. On an individual basis, parishes and schools publish and distribute fliers to their parishioners that feature information relating to the Diocesan SE Program (e.g., encouraging parents to attend a *PGC* training workshop).
5. The Diocese has made significant updates to the Child Safety section of its Web site, examples of which can be found at the Diocesan Web site. Highlights of the Child Safety Web site include links to information about training and compliance programs and resources for parents, children, and SE Coordinators.

In addition, the Diocese uses its web site (www.catholicchurchnh.org) for the promulgation of its key policies and procedures, making them available not only in English, but also in Spanish, Portuguese, and Vietnamese. As such, the web site has numerous documents supporting the policies and procedures, such as guidelines for policy implementation, database and Web site reference guides, recent screening and training procedures for specific circumstances, and a *Screening and Training Protocol* frequently asked questions guide. This use of the Diocesan Web site greatly facilitates accessibility and ongoing communication as well as increases transparency through provision of such documents not only to the Church community, but also to the general public.

6. The existence of the Safe Environment Message Board as an accessible and cost-effective means of communications and sharing of ideas and best practices is a powerful tool that can not only foster stronger connection among those involved with the Program and be a quick point of reference, but also as a historical record of issues and their resolutions.

e. Recommendations for Program Enhancements

Training of Church Personnel

1. In cases where a *PGC* attendance list or certificate of attendance does not exist, the individual should be required to undergo *PGC* training again as it is the only method of ensuring completion. In addition to creating an appropriate measure for compliance, this practice would serve as a useful refresher.
2. The Diocese should modify its *PGC* Refresher training program to include a method of adequately measuring training effectiveness, such as a web-based quiz to verify each individual's comprehension of the training and its concepts.

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.

⁵⁶ Diocese of Manchester, facsimile communication between camp directors, dated September 4, 2007.

2. Industry/Organizational 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 *Policy* continues to require 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.⁵⁷

The *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 *Policy* calls for the creation of a central records database for all Church personnel,⁵⁸ enabling the Diocese to monitor its compliance with screening and training requirements, and helping parishes to identify whether or not applicants previously employed by other parishes are in good standing.

4. Findings

1. The Diocese currently maintains the majority of Safe Environment screening and training documents at the OMC. For example, the records of *PGC* attendance and CRR are now all sent to the OMC. KPMG found the files of screening and training requirements at the OMC to be well organized and easily reviewed. This consolidation and organization reflected a notable improvement over past years and will allow for greater gauge of compliance.

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 five years ending December 31, 2007. The audit may include the inspection of records and the interview of diocesan personnel.

2. Industry/Organizational 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.⁵⁹

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.⁶⁰ Thus, the Guidelines articulate “both a duty to promote proper conduct... as well as a duty to sanction improper conduct.”⁶¹

⁵⁷ *Policy* at Page 10, §I.

⁵⁸ *Id.* at Page 10, §II.B.

⁵⁹ U.S. Sentencing Commission, *Guidelines Manual*, §8B2.1(b)(5) (November 2007).

⁶⁰ *Id.* at §8B2.1(b)(6).

⁶¹ *Id.* at §8B2.1(b)(6)(B).

3. Program Overview

The *Policy* continues to require 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.⁶²

In a letter published February 23, 2007 by Joseph M. McDonough, Chair of the DRB, the DRB “opted to forego an additional agreed-upon procedures audit by Howe, Riley and Howe” apparently due to audits in the same year by the New Hampshire Attorney General’s Office’s designee (KPMG LLP) and the USCCB.

The DRB 2006 report makes note of significant progress in the screening and training of individuals who work with minors and makes four recommendations, summarized as follows:

- a. Continue the work of the Compliance Coordinator and, if necessary, increase staffing to assist any organization with administrative difficulty complying with screening and training requirements.
- b. Enhance and improve the SE Database, which should be maintained and monitored by the Compliance Coordinator and the SE Assistant.
- c. Continue to provide thorough communication and education to Diocesan employees and volunteers with respect to proper conduct in dealing with minors by way of newsletters, bulletin announcements, safe environment meetings, and the diocesan Web site.
- d. The DRB should conduct an annual review of Diocesan records to ensure that the OMC continues to comply with its obligations under the *Policy* with respect to the assignment of priests and deacons and the reporting of sexual abuse of minors.

The OMC was also subjected to a “focused audit” during 2006 by the Gavin Group, Inc., which involved an assessment of the Diocese’s Circles of Care Program. According to documentation provided to KPMG by the Diocese, the Gavin Group, Inc. audit reviewed the period from 11/7/2005 through 12/1/2006 and comprised of six questions in a yes/no format with those questions receiving a “no” being explained in one or two sentences. In its letter dated December 7, 2006 to the Diocese of Manchester, the Gavin Group stated that it found the Diocese “to be in compliance with the *Charter for the Protection of Children and Young People*... based on the completeness and accuracy of the information furnished by the Diocese to the Gavin Group, Inc.”

4. Findings

1. The DRB 2006 report states: “the Board found that all clerics and all employees and volunteers who regularly worked with minors as of May 1, 2006 were in full compliance with screening requirements.”
This statement appears to be inconsistent with KPMG’s findings as detailed in this report, including the example involving two coaches during 2006 who did not have CRR dates entered into the SE Database, which is the only record used for documenting compliance with these requirements.
2. The Agreement has required the annual independent compliance assessments of the Program, which are scheduled to end after the 2008 compliance assessment by KPMG. Additionally, the *Policy* requires the DRB to conduct a regular compliance audit of the Office of Ministerial Conduct regarding compliance with the *Policy*. In order to help ensure continued Program development and sustainability, an annual independent compliance assessment should be continued.

5. Recommendations for Program Enhancements

1. The DRB may want to consider developing particular criteria for customized reports that the OMC can provide from the SE Database capturing more complete and timely information regarding program compliance.
2. The Diocese should require that its independent auditors conduct more extensive assessments of its systems to help ensure that it is in full compliance with the Agreement, its own *Code and Policy*, the Action Plan(s), and the previously mentioned leading industry standards. As discussed earlier, such

⁶² *Policy* at Page 12, §II.

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.

3. Consistent with the recommendation of the DRB in its 2006 report noted above, the Diocese should develop a comprehensive plan to have a continuing independent annual audit of the Program, to be lead by a sub-committee of the DRB that is wholly independent from the Program's operation or execution. Such a plan should specify the make-up of the audit team, its independence, staffing, resources, timetables, testing, and reporting.
4. The survey performed in the summer of 2007 by the University of New Hampshire Survey Center and attached hereto as Exhibit D was developed and implemented to provide stakeholders with insights relating to the Diocese of Manchester Program's current state and to allow for some measure of its effectiveness. Perhaps more importantly the survey data may identify program strengths and/or potential areas in need of enhancement on the go-forward basis. As such, the Diocese should analyze the survey findings carefully, and also develop a mechanism for regularly measuring its Program's future progress against this year's results.

Appendix A

A. KPMG's Compliance Program Assessment Methodology

As noted in the body of this report, consistent with the methodology employed during the 2005 and 2006 program assessments, KPMG's methodology for this assessment included: a) evaluating and analyzing diocesan policies, procedures, standards, and relevant correspondence, b) conducting site visits and performing testing of documentation there and at the OMC, and c) interviewing appropriate diocesan and parish personnel who have responsibility over the Program. 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.

1. Scope of Assessment

a. Documents Reviewed

As part of its assessment KPMG evaluated the Diocese's newly revised *Code & Policy, Serving Christ, Serving Others - Code of Ministerial Conduct, Promise to Protect, Pledge to Heal - Policy for the Protection of Children and Young People*; and the Diocese of Manchester Screening and Training Protocol for Church Personnel. Both documents are attached as **Exhibits A1 and A2**. A list of additional documents evaluated by KPMG and considered to be a part of the Diocese's Program is also attached as **Exhibit A3**.¹

KPMG also performed limited and subjective testing on a judgmental basis at the Diocese, two parishes, a diocesan high school, diocesan elementary 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 A4**.

b. Site Visits and Testing

KPMG visited five Diocese of Manchester sites, which included a high school, an elementary school, a camp, and two parishes. The site visits involved meeting with the Safe Environment Coordinators, Safe Environment representatives or assistants, Pastors, school administrators, or Camp Director, evaluation of the current SE Database for the site of Active and Pending personnel and an evaluation of corresponding documentation in SE Environment personnel files on a selected test basis. KPMG also returned to the Diocese subsequent to the site visits to evaluate documentation at the OMC to further validate what was listed at the sites and in the SE Database on a sample test basis.

c. 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
- Eve Mongeau, SE Assistant
- Steven Boivin, CPA, Diocesan Consultant
- Suzanne Walsh, Business Manager, SE Coordinator, Bishop Brady High School
- Fr. Mark Dollard, Pastor, St. Theresa Parish, Henniker
- Pat Robillard, SE Coordinator, St. Theresa Parish, Henniker
- Karen Pelicano, Secretary, St. Theresa Parish, Henniker
- Mary Kay Smith, SE Coordinator, Immaculate Heart of Mary Parish, Concord

¹ 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 Web site.

- Cindy LaCasce, SE Coordinator, St. Mary School, Claremont
- Michael Drumm, Director of Marketing, Camp Fatima
- Fr. Paul Gousse, Pastor Holy Rosary Parish, Gonic and St. Leo Parish, Rochester
- Walter Slozack, Diocesan Database Consultant

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

- Will Delker, Senior Assistant New Hampshire Attorney General
- Kristin Spath, Senior Assistant New Hampshire Attorney General
- Karen Huntress, Assistant New Hampshire Attorney General

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 previous assessments and evaluating the design of the Diocese's Compliance Program, KPMG referenced several outside organizations or sources 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

As noted in KPMG's previous reports, 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
- (3) To ensure the accountability of its procedures
- (4) To protect the faithful in the future.²

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

² United States Conference of Catholic Bishops, *Charter for the Protection of Children and Young People (Revised Edition)*, 2002.

- (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.³

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*.⁴ Given this consideration, arguments have been made that these standards should apply to the entities such as Catholic dioceses.⁵

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.

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.⁶

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 **Exhibit A5**.

Accordingly, KPMG's initial 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

³ 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.

⁴ United States Sentencing Commission, *Guidelines Manual*, at §8A1.1, *Commentary* (Nov. 2007) (emphasis added).

⁵ Herbert I. Zinn, "The Saga of the Catholic Archdiocese of Boston: To Which Higher Authority Does Your Organization Report," Practising Law Institute's Corporate Compliance Seminar, 2002, Page 4.

⁶ Paula Desio, "An Overview of the United States Sentencing Commission and the Organizational Guidelines," United States Sentencing Commission, Page 2.

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, KPMG’s 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, as with prior years, KPMG has taken into consideration the Diocese’s particular needs and operating environment in assessing the design of its Compliance Program.

KPMG’s 2007 Program Assessment focused not only on the above industry guidance, but also an assessment of enhancements and modifications to the Diocese Compliance Program since KPMG’s 2005 and 2006 Program Assessment Reports. Thus, this report considers the Diocese’s implementation of the June 1, 2007 Diocese of Manchester Action Plan II (Action Plan II) **Exhibit A6** which was developed to provide a comprehensive response to the recommendations contained in the 2006 KPMG Program Assessment Report.

B. Survey

In 2007 a survey was performed in an effort to: 1) measure parishioner and Diocesan perceptions and behaviors related to the Diocese’s compliance program, 2) establish a baseline measure against which the effectiveness of the Program can be measured over time through periodic administration of the survey, and 3) develop a basis for discussion between the Attorney General and the Diocese in relation to the effectiveness of the Program.

The survey was developed through input from the Attorney General’s Office, KPMG, and the University of New Hampshire and was conducted by the University of New Hampshire Survey Center a division of the UNH Carsey Institute. The results of the survey were not validated by KPMG. The results of this survey as provide by UNH Survey Center are attached hereto as **Exhibit D.**

Appendix A
Exhibit -1

Code & Policy

EFFECTIVE DATE: MARCH 19, 2007

Serving Christ, Serving Others

Code of Ministerial Conduct

Promise to Protect, Pledge to Heal

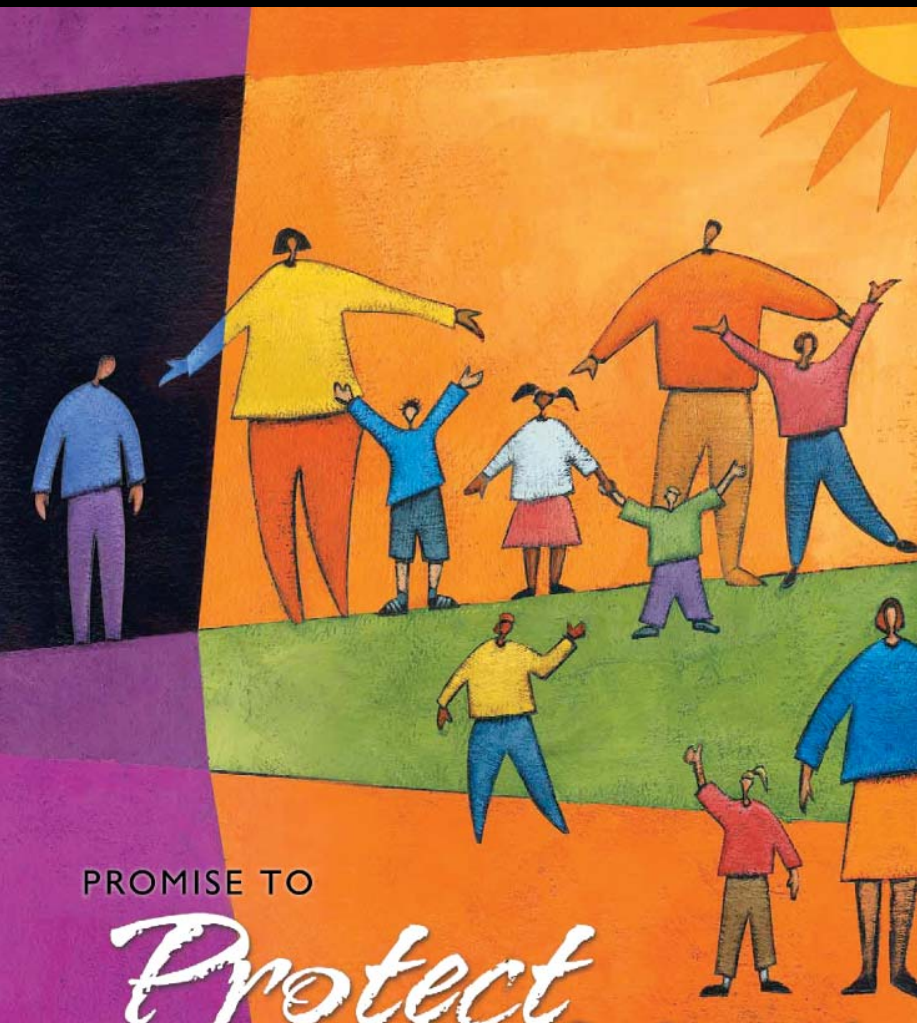
*Policy for the Protection of Children
and Young People*

PROMISE TO

Protect

PLEDGE TO

Heal



Diocese of Manchester

Serving Christ, Serving Others

Code of Ministerial Conduct

Table Of Contents

Introductory Letter	1
Mission Statement	2
Applicability and General Definitions	3
I. Applicability	3
II. General Definitions for the Purpose of this Code	3
General Principles of Ethics and Integrity in Ministry	3
I. Standards for Ethical and Moral Behavior	3
II. Standards for Integrity in Ministry	4
III. Standards for Working with Minors	6
IV. Standards for Spiritual and Pastoral Counseling Relationships	8
Violations of the Code of Ministerial Conduct	9
I. Reporting Incidents, Allegations, and Concerns	9
II. Retaliation	9
III. Investigating Concerns	9
IV. Disciplinary Action	10
V. Pastoral Care and Support	10



January 2007

Dear Sisters and Brothers in Christ,

As a Catholic community, we take comfort that we share in the mission of Christ on Earth. We hold ourselves to the standard of being truly Christian so that we may reflect Christ's love for all we meet and serve. To assist us in our work, we have established common practices to remind us what the Church expects of us as her ministers.

Serving Christ, Serving Others: Code of Ministerial Conduct is our code: a clear expression of what is expected, what is required, and what is unacceptable. Because we continue to develop as servants of Christ, so, too, our Code must develop in order that it remain an effective tool for us. A thorough review of the Code that was first adopted in 2004 has just been completed.

I take this occasion to express my appreciation to the members of the Diocesan Review Board who reviewed the 2004 version of the Code and offered revisions. I also am grateful to the members of the Safe Environment Council, the Pastoral Council, and the Presbyteral Council for their review and suggested revisions to the Code. 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 my heartfelt thanks.

May God bless you and our work together on behalf of the people of God.

Sincerely in our Lord,

Bishop of Manchester

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.

APPLICABILITY AND GENERAL DEFINITIONS

I. Applicability

This Code of Ministerial Conduct applies to all church personnel employed or engaged in ministry for the Diocese of Manchester, its parishes, 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.

In addition to this *Serving Christ, Serving Others: Code of Ministerial Conduct* ("Code"), the Diocese requires that church personnel comply with the diocesan *Promise to Protect, Pledge to Heal Policy for the Protection of Children and Young People* ("Policy"). 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 Code rests with the individual. Church personnel who disregard this Code will be subject to appropriate disciplinary action.

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. A regular and continual basis means at least two times per month for three months or six times per year.

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 and principals.

GENERAL PRINCIPLES OF ETHICS AND INTEGRITY IN MINISTRY

I. Standards for Ethical and Moral Behavior

Fundamental to the pastoral mission of the Diocese of Manchester for all church personnel is 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 that 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 and its parishes, schools, institutions, and agencies.

II. Standards for Integrity in Ministry

A. Prevention of Harassment including Sexual Harassment ¹

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 served and 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 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 of an offensive nature;
 - inappropriate physical contact or gestures;
 - sexual advances;
 - displaying written materials, pictures, or other items that are offensive or sexually suggestive;
 - viewing sexually suggestive or inappropriate written materials, websites, electronic mail messages, or other items while on Church property or while performing duties or engaging 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.

¹ 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 Exploitation²

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 or 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. Even the appearance of a conflict of interest by church personnel must 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, 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. 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.

² 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 and the Diocese of Manchester *Promise to Protect, Pledge to Heal* Policy 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.³
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 the *Promise to Protect, Pledge to Heal* Policy. 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 Working with Minors⁴

A. Appropriate Conduct with Minors

1. Church personnel must be aware of their own vulnerability and that of any minor with whom they are working. Church personnel should avoid situations where they are alone with a minor. When it is not feasible to have another individual present, such as when counseling or teaching a minor, church personnel must meet with the minor in as public a place as possible, such as a room with the door open or with a clear window in the door.
2. Church personnel are prohibited from speaking to minors in a way that is or could be construed by any observer as being harsh, threatening, intimidating, shaming, derogatory, demeaning, or humiliating. Church personnel are expected to refrain from using profane language in the presence of minors and must never use any discipline that frightens or humiliates children and youth. Church personnel are prohibited from using physical discipline, including but not limited to spanking, slapping, hitting, or any other physical force. If a minor exhibits uncontrollable or unusual behavior, the church worker should notify the appropriate supervisor and a parent or guardian of the minor.
3. Church personnel must not use or supply alcohol (excepting sacramental wine in Mass) and/or illegal drugs when working with minors or while participating in a youth activity. Moreover, church personnel must not be under the influence of alcohol or impairing drugs (including prescription medication not used as directed) while working with minors.

³ 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.

⁴ "Minors" are individuals who have not yet reached their eighteenth birthday.

4. Church personnel must not provide any sexually explicit, inappropriate, or offensive material to minors. Church personnel are prohibited from possessing or viewing any sexually-oriented or morally inappropriate printed materials (magazines, cards, videos, films, clothing, etc.) on church property or in the presence of minors. Church personnel are also prohibited from viewing sexually-oriented or morally inappropriate websites or viewing or sending such electronic mail messages on church property or in the presence of minors.
5. Church personnel are prohibited from engaging in any sexually-oriented conversations with minors whether orally, in writing, or electronically. However, it is expected that from time to time, youth ministry and educational lessons and discussions for teenagers may address human sexuality issues related to dating and sex. Moreover, it is expected that minors may raise issues relating to sexuality during counseling sessions. Lessons and counseling must convey to youth the Church's teaching on these topics. If youth have further questions not answered or addressed, they should be referred to their parents or guardians for clarification or counseling. In addition, church personnel are prohibited from discussing their own sexual orientation, activities, practices, or history with minors.

B. Appropriate Boundaries

1. Physical contact with minors beyond a handshake or a "high-five" can be misconstrued both by minors and adults, and should not occur except under appropriate public circumstances. The following are examples (not an exclusive list) of behavior in which church personnel should never engage with minors: inappropriate or lengthy embraces; kisses on the mouth; holding minors over five years old on the lap; intentionally touching bottoms, chests, legs, or genital areas; showing affection while in an isolated location; wrestling or giving piggyback rides; giving massages; or paying compliments that relate to physique or body development.
2. Church personnel must not go on overnight trips with minors other than their own relatives unless another adult is present. They must not share beds with minors other than their own children nor share sleeping quarters with minors except when necessary and when another adult is present. Church

personnel must not provide overnight accommodations in rectories or other personal residences for minors other than minors with a close familial relationship or when minors are accompanied by a parent or legal guardian. This does not include situations that a reasonable person would view as acceptable, such as sleepovers between friends who are minors.

3. Church personnel should never be nude in the presence of minors in their care and should avoid situations where minors are nude while in their care. If monitoring is necessary, two or more adults should be present at all times. Changing and showering facilities or arrangements for adults should be separate from facilities or arrangements for minors.

C. Supervision of Programs Involving Minors

1. Parents are encouraged to be a part of any and all services and programs in which their children are involved in the Diocese of Manchester. Parents may contact their child's school or parish in order to make arrangements to observe programs or activities in which their children are involved.
2. At the close of services or activities, church personnel should release minors in their care only to parents, legal guardians, or other persons designated by parents or legal guardians. In the event that church personnel are uncertain of the propriety of releasing a minor, they should immediately locate or contact their supervisor before releasing the child.
3. Church personnel must be over the age of twenty-five in order to be eligible to provide occasional transportation for minors. Minors should never be transported without written permission from a parent or guardian. Church personnel should transport minors directly to their destination, and no unauthorized stops should be made. Church personnel must require all minors to wear seatbelts or, when appropriate, be strapped into car seats.

IV. 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.

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.

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.

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 are oriented to care for the person(s) who may have been harmed, to repair any damage done to any person or the Church herself, and to correct the behavior 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. Every member of the Church community must participate actively in the protection of minors as well as others who minister or worship in our Church. Church personnel therefore have an affirmative 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 *Promise to Protect, Pledge to Heal* Policy.**⁶

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,⁷ the institution head must make a report to the Delegate for Ministerial Conduct for consultation.⁸

II. Retaliation

A. Retaliation Prohibited. The policy of the Diocese is 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. Canon law and

⁶ The Diocese of Manchester *Promise to Protect, Pledge to Heal: Policy for the Protection of Children and Young People* can be found on the Child Safety page of the Diocese of Manchester website: www.catholicchurchnh.org.

⁷ "Inappropriate conduct of a sexual nature involving a minor" means inappropriate sexual conduct or violations of this Code that relate to interactions with minors and that do not rise to the level of suspected abuse. Examples of such inappropriate behavior include, but are not limited to, discussing one's own sexual orientation, sexual activities, or sexual history with minors and showing minors sexually explicit, inappropriate, or offensive printed materials.

⁸ 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 *Promise to Protect, Pledge to Heal* Policy.

any protocols developed by the diocese for addressing allegations of Code violations against church personnel will be followed in every case that they are applicable.

B. Administrative or Precautionary Leave. In certain instances, a person accused of violating the Code may be placed on administrative or precautionary leave while the investigation is pending. The fact that an accused has been placed on administrative or precautionary 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,⁹ 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.

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 or precautionary 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.

⁹ The *Promise to Protect, Pledge to Heal* Policy can be found on the Diocese of Manchester website (www.catholicchurchnh.org) on the Child Safety page.

Diocese of Manchester

Promise to Protect, Pledge to Heal

Policy for the Protection of Children and Young People

Table Of Contents

Introductory Letter	1
Preamble	2
Applicability and General Definitions	2
I. Applicability	2
II. General Definitions for the Purpose of this Policy	2
Prevention	3
I. Screening of Church Personnel	3
II. Assignments of Priests and Deacons	3
III. Training of Church Personnel	4
IV. Independent Contractors	4
V. Roles and Responsibilities	4
Intervention	6
I. Investigation	6
II. Pastoral Care and Support	7
Remediation	7
I. Allegations Found to Be True	7
II. Unfounded Allegations	8
III. Settlement Agreements with Complainants	8
Reporting of Incidents Allegations and Concerns	9
I. Reporting Sexual Abuse and Neglect of Minors	9
II. Reporting Noncompliance in Policy Administration	9
III. Prohibiting Retaliation	9
Documentation	10
I. Records Regarding Sexual Abuse	10
II. Unified Personnel Documentation Systems	10
Communications	10
I. General Principles	10
II. Policy Distribution	10
III. Public Announcements	10
Measuring Progress and Accountability	11
I. General Principles	11
II. Compliance Audit	12



January 2007

Dear Sisters and Brothers in Christ,

The protection of children and young people is the work of the whole Church. As bishop, I have worked with many members of the laity and clergy to establish policies and practices that ensure we work together to create and maintain a safe environment for the people we serve.

Our current policy, the result of a collaboration of professionals, lay men and women, priests and religious women, has served our community well since it became effective on March 19, 2004. Like all good things, however, this policy and the practices that flow from it are ever evolving. Recently we conducted a thorough review and evaluation of *Promise to Protect, Pledge to Heal: The Protection of Children and Young People: Policy and Procedures*. After receiving input from the public and those whom the policy affects, the Diocesan Review Board took the initiative to review the policy and made a number of suggested improvements.

I am pleased to approve the revisions and to make the revised policy effective on March 19, 2007. Like the original policy, it sets forth the standards for protecting minors in the care of the Church, requires that suspicion and reports of child sexual abuse be taken seriously and be reported to the appropriate civil authorities, and ensures that due civil and canonical legal processes be followed for church personnel accused of sexual abuse of a minor.

As a community, I pray that we will continue to work together to fulfill the promises and pledges we made to be faithful to the Lord forever. I ask you to join me in continuous prayer for the healing of those who have been harmed by sexual abuse. May the Lord watch over them and us and may He give us the strength, wisdom and judgment to be ever steadfast in the protection of all people.

Sincerely in our Lord,

Bishop of Manchester

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: Policy for the Protection of Children and Young People* ("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 Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons ("Essential Norms"),³ as well as other particular law of dioceses in the United States, and particular law of the Diocese of Manchester.

D. Church Personnel:

The following are included in the definition of church personnel:

1. Clerics (bishops, priests, and deacons) who are either incardinated in or granted faculties in the Diocese of Manchester.
 2. Members of religious institutes, including all women and men religious assigned to ministry in the Diocese, its parishes, Catholic schools, institutions, or agencies.
 3. Lay employees and volunteers who are adults, 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. 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. 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, children or youth choir directors, mercy meal volunteers, and parish outreach workers. A "regular and continual basis" means at least two times per month for three months or at least six times per year.
- E. **Complainant:** The term "complainant" refers to an individual who reports having been sexually abused as a minor. The term also includes a person who has registered a complaint on behalf of the complainant.

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.

³ The *Essential Norms* 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.

- F. **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 and principals.
- G. **Minors:** “Minors” are individuals who have not yet reached their eighteenth birthday.
- H. **Policy:** The term “Policy” refers to this *Promise to Protect, Pledge to Heal: Policy for the Protection of Children and Young People*.
- I. **Regularly:** Church personnel are considered to “regularly” work with minors when they work with minors at least two times per month for three months or at least six times per year.
- J. **Work with Minors:** The following are considered to work with minors: 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; youth or family choir directors; Catholic Youth Organization volunteers (including coaches); altar server coordinators/trainers; leaders and volunteers of Scout troops and other youth organizations sponsored by the parish; all employees in Catholic schools, regardless of responsibility (including substitute and student teachers); volunteers in Catholic schools who serve as *in loco parentis* caregivers (such as coaches and chaperones on overnight trips) or who regularly volunteer (but not including school board members unless the members also regularly work with minors at the school); all employees and volunteers in the diocesan camps, regardless of responsibility (but not including the members of the board of directors for the camps unless the members also regularly work with minors at the camp).
- K. **Sexual Abuse:** The term “sexual abuse” is contact of a sexual nature that occurs between a minor and an adult.⁴ This term includes contact, activity, or interactions with a minor that is meant to arouse or gratify the sexual desires of the adult. “Sexual abuse” can occur whether or not this sexual activity involves explicit force, whether or not it involves genital or physical contact, whether or not it is

initiated by the minor, and whether or not there is discernible harmful outcome. “Sexual abuse” includes any act constituting sexual abuse under New Hampshire law⁵ and is a grave delict (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

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 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.

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.

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 ministry⁸ 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. 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. 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.

V. 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 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 parishes and communities about instances of sexual abuse of minors, with respect always for the privacy and the reputation of the individuals involved. The Bishop shall be personally committed to the pastoral and spiritual care and emotional well-being of those who have been sexually abused and of their families. The Bishop shall work with parents, civil authorities, educators, and various organizations in the community to make and maintain the safest environment for minors.
3. **Revisions to the Policy.** Before adopting revisions to the Policy, the Bishop will consult with the Council of Priests and the Diocesan Pastoral Council. When appropriate, the Bishop or his designee may also consult with the Safe Environment Council, the Diocesan Review Board, and the Safe Environment Coordinators.

B. Role of the Diocesan Review Board

1. **Composition of the Diocesan Review Board.** The Diocesan Review Board shall be constituted in accordance with Church law. The Review Board shall be composed of persons of outstanding

⁸ "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 parishes for pastors who are ill or on vacation serves in "supply ministry."

integrity and good judgment. The majority of the Review Board members shall be lay persons who are in full communion with the Church and are not in the employ of the Diocese; but at least one member must be a priest who is an experienced and respected pastor of the Diocese, and at least one member should have particular expertise in the treatment of the sexual abuse of minors. The members are appointed for a term of five years, which can be renewed. Initial appointments are arranged so that terms are staggered. The Promoter of Justice for the Diocese shall be invited to attend and participate in the meetings of the Diocesan Review Board.⁹ The Diocesan Review Board shall meet as often as necessary to carry out its responsibilities.

2. Responsibilities. The Diocesan Review Board makes recommendations for the Bishop's consideration in discharging his responsibilities with respect to matters involving allegations of sexual abuse of minors by church personnel. The functions of the Diocesan Review Board are these:
 - a. to advise the Bishop in his assessment of the findings of preliminary investigations into allegations of sexual abuse of a minor; that is, the portion of the penal process in which the Bishop determines the probable nature of the allegation;¹⁰
 - b. to advise the Bishop in his assessment of allegations of sexual abuse, sexual exploitation, and sexual harassment by clerics, lay employees, and volunteers, up to and including recommending appropriate disciplinary action;
 - c. to review the diocesan policies for dealing with sexual abuse of minors, sexual exploitation, sexual harassment, and inappropriate conduct involving minors at least once every four years and recommend to the Bishop any changes to the policies;
 - d. on a regular basis, to conduct a compliance review of the Office for Ministerial Conduct regarding compliance with this Policy and applicable church law and state law and to subsequently make a regular public report to the Christian faithful regarding the compliance review and the work of the Office for Ministerial Conduct; and

- e. to offer 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.

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

C. Role of the Office for Ministerial Conduct

1. Composition. The Office for Ministerial Conduct shall be staffed by appropriately-trained individuals who are easily accessible and dedicated to the handling of allegations of sexual abuse, sexual exploitation, sexual harassment, and inappropriate conduct involving minors. The bishop shall appoint a Delegate for Ministerial Conduct who shall be assisted by lay person(s), preferably parent(s), who have competence in fields such as, but not limited to, the practice of law, law enforcement, psychiatry, psychology, counseling, and social work.
2. Responsibilities. The Office for 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. The Delegate is responsible for ensuring that the pastors, principals, directors of diocesan institutions, clerics, and diocesan administration employees comply with the Policy. Other duties include, but are not limited to these:
 - a. reporting suspected sexual abuse of minors to the appropriate civil authorities in accordance with the law and this Policy;
 - b. conducting investigations into allegations of sexual abuse, sexual exploitation, sexual harassment, and inappropriate conduct involving minors;

⁹ 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.

¹⁰ 1983 Code of Canon Law, c. 1718.

- c. coordinating the pastoral care of those who are accused of having committed sexual abuse or sexual exploitation;
- d. when appropriate, working with the Bishop to take steps to restore the reputation and the good name of an individual accused of having committed sexual abuse; and
- e. developing and coordinating programs designed to prevent sexual abuse, sexual exploitation, sexual harassment, and inappropriate conduct involving minors in the Church.

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

1. **Composition.** The Bishop shall appoint a Director of the Office for Healing and Pastoral Care who must have competence in the practice of psychiatry, psychology, counseling, or social work. The Director should be a lay person, preferably a parent, and preferably in full communion with the Catholic Church.
2. **Responsibilities.** The Director shall be responsible for offering pastoral support, 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 complaints of child abuse. The pastoral support offered by the Director includes referrals for pastoral counseling, spiritual direction, parish consultation, and retreats. The Director also is responsible for reporting suspected sexual abuse of minors to the appropriate civil authorities in accordance with the law and this Policy.

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

F. Roles of Heads of Church Institutions Pastors, principals, and other Heads of Church Institutions are persons in whom others have confidence and trust. Pastors, principals, and other Heads of Church institutions ought to be the principal models for life in ministry and must promote and encourage a culture of

accountability and safety in the exercise of ministry, including adherence to this Policy and the spirit of this Policy. As supervisors of church personnel, Heads of Church Institutions are responsible for meeting the standards set forth in the Policy, ensuring that the Policy is implemented in their parish, school, or institution, and taking steps to ensure that church personnel under their supervision comply with the Policy.

G. Role of the Compliance Coordinator. The Diocesan Compliance Coordinator 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, in the parishes, Catholic schools and other institutions of the Diocese, including the diocesan central administration. The Diocesan Compliance Coordinator reports to the diocesan bishop and is supervised by the Delegate for Ministerial Conduct.

H. Roles of the Safe Environment Council and Coordinators

1. **Safe Environment Council.** The Safe Environment Council shall consist of one representative from each deanery recommended by the Dean and appointed by the Bishop to a three-year term to assist and advise the Office for Ministerial Conduct in matters associated with the Policy. The Council shall meet as frequently as necessary to accomplish its duties. Members of the Council shall be available to respond to the needs and questions of Safe Environment Coordinators in the parishes and schools located in their deaneries.
2. **Safe Environment Coordinators.** The pastor of each parish and the principal of each school shall appoint a Safe Environment Coordinator to assist the pastor and the principal in matters associated with the Policy including, but not limited to, scheduling training sessions on sexual abuse and sexual harassment matters, coordinating the distribution of materials for parents on child sexual abuse, and assisting in the background screening process.

INTERVENTION

I. Investigation

A. Initiating an Investigation. The Diocese takes all allegations of sexual abuse seriously, whether the Office for Ministerial Conduct becomes aware of the allegations

of sexual abuse through a direct, formal complaint or by some other means. The Diocese will report allegations to the civil authorities in accordance with the reporting procedures contained in this Policy. The Diocese will also conduct a timely investigation into the allegations. When the Bishop of Manchester deems an allegation of sexual abuse of a minor to have a semblance of truth, the accused will be placed on precautionary leave pending the outcome of the investigation.

- B. **Trained Investigators.** Internal investigations must be conducted by individuals appropriately trained to conduct such investigations.
- C. **Rights of the Complainant and Accused.** The rights of the complainant and the accused will be protected throughout the investigation process.
- D. **Compliance with Church Law and the *Essential Norms*.** In matters 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 True¹¹**

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

A. **Clerics¹²**

1. **Permanent Removal from Ministry.** In the event of even a single act of sexual abuse of a minor while a cleric, the cleric found guilty will be permanently removed from ministry. The cleric will be offered appropriate professional assistance for his own healing and well-being as well as for the prevention of further abusive conduct.
2. **Compliance with Church Law.** In every case, the processes provided for in Church law must be

¹¹ Allegations found to be true are those that are valid, proven with "moral certitude."

¹² 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.

observed, and the various provisions of Church law must be considered. These provisions may include a request by the cleric for dispensation from the obligations of Holy Orders and the loss of the clerical state, or a request by the bishop for dismissal from the clerical state even without the consent of the cleric. For the sake of due process, the accused shall be encouraged to retain the assistance of civil and canonical counsel.

3. Clerics Not Dismissed from the Clerical State. If the penalty of dismissal from the clerical state has not been applied (e.g., for reasons of advanced age or infirmity), the accused shall be required to lead a life of prayer and penance. He will not be permitted to celebrate Mass publicly, to wear clerical garb, or to present himself publicly as a priest or deacon.
4. Transfer for Ministerial Assignment to or Residence in Another Diocese. The Diocese will not permit any priest or deacon incardinated in the Diocese known to have committed an act of sexual abuse to be transferred for ministerial assignment to another diocese/eparchy, or to an institute of consecrated life, society of apostolic life, or personal prelature. The Diocese will not permit such a priest or deacon to be transferred for residence without having forwarded in a confidential manner to the local bishop/eparch and religious ordinary (if applicable) of the proposed place of residence any and all information indicating that he has been or may be a danger to children or youth.¹³
5. Notifications. Notifications about the outcome of the canonical proceedings should be made to the cleric, complainant, and the communities affected by the allegations at an appropriate time and in an appropriate manner with consideration for the privacy of the complainant and the rights of the cleric found to have engaged in sexual abuse of a minor.

B. Members of Religious Institutes and Lay Employees and Volunteers

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

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

II. Unfounded Allegations¹⁴

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

- A. **Restoration of Good Name.** The Diocese will take appropriate steps to restore the good name of the accused as soon as possible.
- B. **Notifications.** Notifications about the outcome of the investigation or canonical proceedings should be made to the accused, complainant, and the communities affected by the allegations at an appropriate time and in an appropriate manner with consideration for the privacy of the complainant and the rights of the accused. The Diocese will also continue to offer the complainant and the accused pastoral care, as appropriate.
- C. **Authority of Heads of Church Institutions.** An allegation determined to be unfounded following the internal investigation by the Diocese does not prevent Heads of Church Institutions from exercising their administrative authority with respect to the accused, so long as the exercise of that authority is consistent with Church law and applicable employment and volunteer policies and practices.

III. Settlement Agreements with Complainants

- A. **Confidentiality.** The Diocese will not bind complainants to a condition of confidentiality or nondisclosure or encourage or otherwise attempt to convince a complainant to request confidentiality as part of an agreement to provide services, support, or treatment, or in settlement of financial claims involving allegations of sexual abuse of minors.
- B. **Disclosure of Settlement Amount.** The Diocese will include on financial statements to be made public the total amounts of money expended by the Diocese in

¹³ Essential Norms, Norm 12.

¹⁴ 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.

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

REPORTING OF INCIDENTS, ALLEGATIONS, AND CONCERNS

I. Reporting Sexual Abuse and Neglect of Minors

- A. Reporting Requirements of Adults under New Hampshire Law.** In accordance with New Hampshire law, any adult who has reason to suspect that a minor has been abused or neglected must personally report the suspicions to the Division for Children, Youth and Families (“DCYF”) at (800) 894-5533.
- B. Reporting Requirements of Church Personnel.¹⁵** Church personnel who have reason to suspect that a minor has been sexually abused by other church personnel have additional reporting obligations. When the alleged victim is a minor, in addition to reporting to DCYF, church personnel must immediately personally report the suspicion to local law enforcement and to the Delegate for Ministerial Conduct at (603) 669-3100. When the alleged victim no longer is a minor, church personnel must immediately personally report the suspicion to the Delegate for Ministerial Conduct at (603) 669-3100. Church personnel may seek the advice or assistance of their pastor, principal, or supervisor if doing so does not unduly delay the report.
- C. Reporting Requirements of the Office for Ministerial Conduct.** The Office for Ministerial Conduct will follow the reporting requirements for all church personnel. In addition, whenever it has reason to suspect that a minor has been sexually abused by church personnel, the Office for Ministerial Conduct immediately will make a report to the New Hampshire Attorney General’s office.
- D. Notice to Complainants.** The Office for Ministerial Conduct will notify those who make reports of sexual abuse to the Office for Ministerial Conduct that their allegations will be reported to DCYF (if the complainant is under the age of eighteen) and law enforcement (the Attorney General’s office).

- E. Cooperation with Civil Authorities.** Church personnel must cooperate with civil authorities in connection with investigations into allegations of sexual abuse.
- F. Failure to Comply.** Church personnel who fail to comply with the reporting procedure required by law and/or contained in this Policy will be subject to disciplinary action, up to and including appropriate canonical penalties for priests and deacons, and up to and including termination from employment or from volunteer ministry with the Church for other church personnel.

II. Reporting Noncompliance in Policy Administration

- A. Noncompliance by Heads of Church Institutions or the Delegate for Ministerial Conduct.** Whenever church personnel believe that the Head of a Church Institution or the Delegate for Ministerial Conduct has failed to enforce this Policy, church personnel should first attempt to resolve the matter with the Head of the Church Institution or the Delegate for Ministerial Conduct. Complaints about the Head of a Church Institution that have not been resolved at the institutional level should be reported to the Delegate for Ministerial Conduct at (603) 669-3100. Complaints about the Delegate for Ministerial Conduct should be reported to the Diocesan Bishop at (603) 669-3100.
- B. Noncompliance by the Diocesan Bishop.** If church personnel believe that the Diocesan Bishop may have violated or failed to enforce this Policy, church personnel should first attempt to resolve the matter by notifying the Diocesan Bishop at (603) 669-3100. Individuals with complaints that have not been resolved after addressing the matter with the Diocesan Bishop may report the matter to the metropolitan Archbishop of Boston or the Apostolic Nuncio of the Holy See.¹⁶ This aspect of the Policy conforms to *A Statement of Episcopal Commitment* by the United States Conference of Catholic Bishops.¹⁷

III. Prohibiting Retaliation

- A. Retaliation Prohibited.** The policy of the Diocese is to encourage individuals to make reports in accordance with this Policy. As a result, individuals who make good faith reports in accordance with this Policy will not be subjected to retaliation for making the reports.

¹⁵ 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.

¹⁶ 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.

¹⁷ *A Statement of Episcopal Commitment*, U.S. Conference of Catholic Bishops, June 3, 2003.

- B. Reporting Retaliation.** Church personnel who believe that they have been subjected to retaliation for making reports under this Policy 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.

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 actual or suspected abuse and communicating allegations; and the services available to those who have been abused and to their families.
- C. The Diocesan Website.** The Diocesan website will include a section dedicated to child safety that will contain, among other things, the Policy and other information about the problem and prevention of child sexual abuse.

II. Policy Distribution

- A. Distribution to Church Personnel.** The Policy shall be distributed to all 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. Those church personnel shall be required to acknowledge (either in writing or other verifiable web-based program) receipt of the Policy and their obligation to read and abide by the provisions contained in the Policy. Supervisors, managers, personnel managers, and/or directors should periodically review with church personnel who regularly work with minors the standards, policies, and reporting procedures contained in this Policy.
- B. Availability of Policy to the Christian Faithful and the Public.** The Policy will be available to the communities of all diocesan parishes, schools, and institutions and to the public in print and on the diocesan website (www.catholicchurchnh.org).

III. Public Announcements

- A. Mandatory Reporting Requirements of Church Personnel.** Pastors must periodically remind parishioners about applicable provisions contained in the

Policy by including them in parish bulletins or other means deemed to be pastorally appropriate for the dissemination of such important pastoral announcements. Of particular note is the need for the regular publication of the mandatory reporting requirements under state law and this Policy. The Diocese will use a wide variety of means as part of an ongoing effort to inform clergy and laity how to report either abuse or allegations against church personnel.

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

1. distributing printed materials with reporting and contact information to parishes, schools, and other institutions of the Diocese;
2. requesting that pastors publish information in weekly church bulletins;
3. including reporting and contact information in relevant news releases;
4. posting regularly on the diocesan website reporting and contact information; and
5. distributing reporting and contact information at appropriate diocesan and parish functions.

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

1. displaying contact information prominently on the diocesan website;
2. requesting that pastors publish information in weekly church bulletins;
3. distributing reporting and contact information at appropriate Diocesan and parish functions;
4. distributing information through members of the civil and legal communities; and

5. distributing news releases with reporting and contact information.

D. Allegations of Sexual Abuse by Church Personnel.

1. **Precautionary Leave.** If a priest or other person in the employment of the diocese is placed on precautionary leave during an investigation, the Diocese may report that the person is on precautionary leave to the parish, ministry, or place of employment of the individual. The Diocese will respond to media inquiries by stating that the individual is on administrative or precautionary leave pending the conclusion of the investigation and the canonical process. The Diocese may also disclose the general nature of the investigation process and the particular restrictions that pertain to a person on precautionary leave.
2. **The Conclusion of the Investigation.** At the conclusion of an investigation, canonical trial, or administrative process, the Diocese will notify the complainant of the results of the investigative and canonical process, including any restrictions on ministry. Notifications to the complainant and to communities affected by the allegations will be made at an appropriate time and in an appropriate manner with consideration for the privacy of the complainant and the rights of the cleric accused of engaging in sexual abuse of a minor. When an individual is acquitted following an investigation and the allegation was made public, the Diocese will consult with the accused cleric before determining what announcements that it will make and what steps it will take to restore the individual to ministry, work, or service. The Diocese will assist in restoring the good reputation to the individual at an appropriate time and as soon as possible.

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 *Promise to Protect, Pledge to Heal* Policy and recommend to the Bishop any changes to the policies. In conducting the review, the Diocesan Review Board may consult with, among others, the members of the Diocesan Safe Environment Council.

**REQUIRED FOR CHURCH PERSONNEL WHO REGULARLY WORK
WITH MINORS AND CLERICS ASSIGNED BY THE DIOCESAN BISHOP
OR WHO SERVE IN SUPPLY MINISTRY**

Submission of this document is not required by church personnel who previously signed an acknowledgement that they have received instruction on the mandatory reporting requirements for church personnel and agree to abide by them.

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”) and the *Promise to Protect, Pledge to Heal Policy for the Protection of Children and Young People* (the “Policy”). 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.

- I have received and have reviewed a copy of the Code and Policy. I understand that it is my obligation to abide by the provisions contained in the Code and Policy.
- I understand that I am responsible for complying with the reporting requirements contained in the Policy, including, but not limited to, the reporting requirements for suspected abuse of a minor. I have received instruction on these requirements. I agree to report suspected abuse of a minor in accordance with the law and the reporting procedures contained in the Policy.
- I understand that the Diocese of Manchester may change, modify, and/or revise any part of the Code or Policy at any time but that the Diocese will notify church personnel of any changes to the Code or Policy as soon as possible. I also understand that the Code and Policy are not contracts, and they do not grant any rights to continued employment, ministry, or volunteer service.

Signature: _____

Name (please print clearly): _____

Home Address: _____

Home Tel. No.: _____

Parish/School/Institution and Town: _____

Position: _____

Date: _____

Appendix A

Exhibit - 2

DIOCESE OF MANCHESTER
Screening and Training Protocol for Church Personnel

Effective July 1, 2007¹

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 This Screening and Training Protocol replaces and supercedes the Screening and Training Protocol made effective on May 1, 2006. This Protocol applies to clerics, seminarians, employees, and volunteers hired or beginning their ministry after July 1, 2007. Those hired or who began their ministry before July 1, 2007, and who regularly work with minors as defined in this protocol must comply with the screening requirements that were in place at the time.

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.”

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 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

Vacation Bible School teachers and 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. Evening maintenance staff are included in this category but are not required to attend training.

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

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).

- 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* workshop⁵
- f. At least once every three (3) years, participation in refresher training on sexual abuse awareness and reporting (*Renewing Our Promise* training bulletin)

2. Employees

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* or *Praesidium Called to Protect* workshop
- viii. At least once every three (3) years, participation in refresher training on sexual abuse awareness and reporting (*Renewing Our Promise* Training bulletin).

b. Diocesan Catholic School Employees

⁵ A *Praesidium Called to Protect* training session also satisfies this requirement.

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

- i. *Employment 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. 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* or *Praesidium Called to Protect* workshop
 - ix. At least once every three (3) years, participation in refresher training on sexual abuse awareness and reporting (*Renewing Our Promise* Training bulletin).
- c. Diocesan Camp Employees

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* or *Praesidium Called to Protect* workshop
- viii. At least once every three (3) years, participation in refresher training on sexual abuse awareness and reporting (*Renewing Our Promise* Training bulletin).

⁶ The particular employment application depends upon the position for which the individual applies (e.g., Principal, Faculty, or Staff).

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*⁷
- 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* or *Praesidium Called to Protect* workshop
- vi. At least once every three (3) years, participation in refresher training on sexual abuse awareness and reporting (*Renewing Our Promise* Training bulletin).

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:

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

⁷ 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).

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 to the Office for Ministerial Conduct;
- c. 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;
- d. Conduct initial check of the National Sex Offender Registry for employees and volunteers subject to this protocol.
- 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* or *Called to Protect* training 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 church personnel subject to this protocol and print the results. Repeat checks of the sex offender registry for active personnel once every 3 years; 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). For Massachusetts, a CORI is conducted. For all other states, a background check is conducted through an online service. The necessary forms can be obtained from the Office for Ministerial Conduct.
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:⁸ 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 and Praesidium Called to Protect 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 or a Praesidium *Called to Protect* training session in a diocese, eparchy, or religious institute 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, Pledge to Heal* Policy) or within three (3) years of attending *Protecting God's Children* training, whichever is later. The refresher training currently in use by the Diocese of Manchester is the *Renewing Our Promise* Training Bulletin.

10. Other background checks: The following background checks are accepted in lieu of a state-provided criminal records search: (1) Military clearance documented by the United States Department of Defense; (2) possession of a VISA to enter the United States.

⁸ Public school personnel undergo criminal records checks and FBI fingerprint checks in accordance with New Hampshire law, RSA 189:13-a.

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 notarized criminal records check 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. As discussed above, the criminal record authorization forms for all other states can be obtained by contacting the Office for Ministerial Conduct. For Massachusetts, a CORI form is used. For all other states, a background check is completed through an online service. The Massachusetts and the online background check service forms do not require notarization but must be completed by the individual and forwarded by the entity (parish, school, camp, diocesan office) to the Office for Ministerial Conduct for processing. The parishes, schools, and camps will be required to reimburse the Diocese for the cost of the criminal records checks.

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 to determine whether the individual poses a safety issue for minors at the school or parish. 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 regarding whether the individual poses a safety issue for minors at the school or parish. The diocesan bishop 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 to determine whether the individual poses a safety issue for minors at the school or parish. 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 as to whether the individual poses a safety issue for minors at the school or parish. The diocesan bishop 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.⁹

⁹ Examples of "restrictions" include prohibitions on working with money or having any responsibility over finances, and requiring annual criminal records checks.

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.¹⁰

¹⁰ 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.

Appendix A
Exhibit - 3

KPMG 2007 Program Assessment
Document Review List**A. Organizational Structure and Oversight**

- Position Descriptions for: Delegate for Ministerial Conduct; Associate Delegate for Ministerial Conduct; Diocesan Compliance Coordinator; Safe Environment Assistant; Administrative Assistant
- Diocese of Manchester list of 24 schools
- Diocese of Manchester list of parishes as of January 1, 2007 and July 1, 2007

Documentation reflecting potential revisions to Diocesan policy and procedures

- Diocese of Manchester Response to KPMG Recommendations (May 2007)
- Response to Recommendations - Items of Disagreement (May 2007)
- Diocese of Manchester: Renewing Our Promise Training Bulletin
- Example of acknowledgement form indicating receipt and acknowledgement of revised *Code and Policy*
- Memorandum from Reverend Arsenault and Diane Murphy Quinlan to Diocesan Review Board re: revised Promise to Protect *Policy* and Serving Christ *Code of Conduct* (July 13, 2007)
- Memorandum from Diane Murphy Quinlan to Bishop McCormack re: Promise to Protect, Pledge to Heal *Policy*. Includes summary of input by counselors, Presbyterian and Pastoral Councils (October 3, 2006)
- Memorandum from Reverend Arsenault and Diane Murphy Quinlan to Diocesan Review Board re: revised *Code and Policy* (August 30, 2006)
- Safe Environment Council Meeting Minutes (June 12, 2007)
- Diocesan Review Board & Safe Environment Council Teleconference Minutes (May 24, 2007)
- Diocesan Review Board Minutes of Meeting (August 10, 2006)
- Diocese of Manchester Pastoral Council Minutes (September 23, 2006)
- Diocese of Manchester Presbyterian Council Minutes (September 18, 2006)

Evidence of the Bishop's reviews/approvals of Child Safety Program modifications

- Memo from Diane Quinlan to Bishop McCormack re: Promise to Protect, Pledge to Heal (the *Policy*) (October 3, 2006)
- Agenda for Diocese of Manchester Pastoral Council meeting (September 23, 2006)
- Agenda for Diocese of Manchester Presbyterian Council meeting (September 18, 2006)
- Memo from Diane Quinlan to Presbyterian Council Members re: *Code of Ministerial Conduct* (September 11, 2006)
- Summary of proposed revisions to the *Code of Ministerial Conduct*

Policies and Procedures

- Diocese of Manchester Diocese of Manchester Code & Policy, *Serving Christ, Serving Others – Code of Ministerial Conduct* and the *Promise to Protect, Pledge to Heal – Policy for the Protection of Children and Young People*, effective March 19, 2007 (*Code and Policy*)
- Diocese of Manchester Screening and Training Protocol for Church Personnel (July 1, 2007)
- Diocese of Manchester Safe Environment Coordinator Manual 2007, DOM Safe Environment Coordinator Manual Catholic Schools 2007

Policies and Procedures relating to the Compliance Coordinator role and responsibilities

- Safe Environment Review Plan 2007(V 1.0 January 15, 2007)
- Safe Environment Review Worksheet (V 3.0 April 2007)
- Test procedures - Volunteers
- Test Procedures - Employees
- Exit Sheet - List of Missing Items form (V 2.0 July 2007)
- Sample Interview Questions and Discussion Points (V 3.0 April 2007)

KPMG 2007 Program Assessment
Document Review List

- PGC Attendance form, When No Attendance List Exists
- Sex Offender Registry Check Procedures – (V 1.0 May 2007)
- SE Database Reconciliation Procedure - Priests (March 2007)
- SE Database Reconciliation Procedure - Permanent Deacons (March 2007)
- SE Database Reconciliation Procedure - Seminarians
- SE Database Reconciliation Procedure - PGC Trainers
- SE Database Reconciliation Procedure - Camps (V 1.0 April 2007)
- Screening and Training Protocol for Substitute Teachers
- Screening and Training Protocol for Athletic Coaches (V 2.0 Revised July 2007)
- Screening and Training Protocol for Developmentally or Cognitively Disabled Adults
- Screening and Training Protocol for Summer Employment at Diocesan Schools
- Contributions Toward Youth Athletic Teams
- Guidelines for Overnight Trips (V 1.0 May 2007)

Risk based approach

- Diocese of Manchester Office for Ministerial Conduct, Summary of Safe Environment Risk-Based Review Plan 2007
- Diocese of Manchester Office for Ministerial Conduct, Parish and School Risk Assessment Matrix (V 2.0 Final January 11, 2007)
- Site review tracking log listing entities by classifications

Documents regarding the “Safe Environment Disciplinary Procedures”

- Office of Ministerial Conduct Safe Environment Disciplinary Procedures (June 15, 2007)
- Email from Diane Murphy Quinlan to Rev. Arsenault and Mary Ellen D'Intino regarding the first draft of a discipline policy
- Email from Diane Murphy Quinlan to Sr. Mary Whalen, and Mary Moran and regarding the first draft of a discipline policy
- Email correspondence between Mary Ellen D'Intino and Diane Murphy Quinlan regarding on the discipline policy
- Email correspondence between Sr. Mary Whalen and Diane Murphy Quinlan

Background check procedures

- Memo regarding out-of-state background check procedures (July 1, 2007)ChoicePoint Authorization form to obtain credit report
- Volunteer Select Plus website description of background check packages, printed July 31, 2007

B. Mandatory Reporting and Response to Allegations

- Eleven reports of alleged of sexual abuse, including communications, investigative reports, and memoranda
- Documentation of internal reconciliation of reports of alleged sexual abuse
- Reports made by the Diocese of Manchester to the New Hampshire Attorney General regarding reports of alleged sexual abuse
- Documentation pertaining to individuals removed or precluded from ministry
- Documentation of completion of screening and training requirements for Accused ID # 3821
- SE Database audit log of entries for Accused ID # 3821 (August 28, 2007)

C. Program to Prevent the Sexual Abuse of Minors**Safe Environment Database**

- Disk of data from the SE Database as of August 20, 2007

KPMG 2007 Program Assessment
Document Review List

- Document listing individuals on restricted ministry from SE Database query for any/all "restricted" personnel
- List of entities whose SECs or other appropriate individuals (pastors, principal, etc.) have not logged onto the new SE Database (August 30, 2007)

Criminal records

- Choice Point user log
- Criminal Record Request log
- MA CORI request log, VT criminal request log, ChoicePoint user log
- Letter regarding military clearances, fingerprint and criminal background check

National Sex Offender Public Registry

- National Sex Offender Public Registry Check printouts
- Protocol for conducting NSOPR checks by temporary employees and students during spring, 2007
- Diocese of Manchester Office of Ministerial Conduct Sex Offender Registry Check Procedure: How to Check the National Sex Offender Database (March 2007)
- Memorandum from Mary Ellen D'Intino to Steve Boivin re: Sex Offender Registry Check Procedure for names that had "hits" on the 2007 checks by temporary workers (August 30, 2007)
- Memo from Mary Ellen D'Intino to Steve Boivin re: National Sex Offender Public Registry Checks (August 15, 2007)

Site Visits

- Safe Environment Review binders for:
 - St. Anthony Parish, Sanbornville
 - St. Joseph, St. Charles, and Chapel of the Nativity, Dover
 - St. Helena Parish, Enfield
 - St. Mary Parish, Rochester and St. Peter Parish, Farmington
 - St. Rose of Lima Parish, Littleton
 - St. Matthew Parish, Whitefield
 - Holy Rosary Parish, Rochester and St. Leo Parish, Rochester
 - St. Mary Academy, Dover
 - St. Mary School, Claremont
 - St. Joseph Regional High School, Manchester
 - St. Catherine School, Manchester
 - Camp Fatima and Camp Bernadette
 - Immaculate Heart of Mary Parish, Concord
 - St. Paul Parish, Candia
 - St. John the Evangelist Parish, Hudson
 - Holy Trinity Parish, Plymouth, Ashland and Bristol
- Camp Fatima site visit report (January 1, 2007)
- Diocese of Manchester Preparation for Site Visits document
- Safe Environment Review Worksheet(s) (Various versions)
- Memorandum re: Special Needs week and its relationship to Camp Fatima (August 22, 2007)
- Facsimile note from Michael Drumm to Steve Boivin (August 28, 2007) regarding dates of Special Needs Week camp, the staff and their positions
- Various correspondence between Diocesan staff and entities regarding Safe Environment program and Safe Environment Reviews

Training

- Diocese of Manchester Renewing Our Promise Training Bulletin
- E-mail from Diane Murphy Quinlan to Diocesan entities re: distribution and completion of the PGC Refresher training verification form (April 9, 2007)

KPMG 2007 Program Assessment
Document Review List

- Documentation of training and seminars attended by members of the Office of Ministerial Conduct

Communications

- Memorandum to Pastors and Principals from Reverend Arsenault, Diane Murphy Quinlan and Mary Ellen D'Intino re: the revised *Code and Policy* effective March 19, 2007
- Agendas of meetings with Compliance Coordinator (November 9, 2006 – July 24, 2007)
- List of meeting dates regarding child safety/safe environment matters
- Memo from Diane Murphy Quinlan and Mary Ellen D'Intino to Steve Boivin re: Update on Action Plan II
- Memo from Diane Murphy Quinlan to Bishop McCormack, Diocesan Review Board and Safe Environment Council re: Parish Bulletin Notices
- Memo from Diane Murphy Quinlan to Reverend Arsenault re: Circles of Care
- Memo from Diane Murphy Quinlan to Bishop McCormack re: Kansas City Anti-Pornography Initiative
- Memo from Diane Murphy Quinlan to Bishop McCormack re: Safe Environment Logo
- Memo from Mary Ellen D'Intino to Bishop McCormack re: Action Plan
- Memo from Mary Ellen D'Intino to Bishop McCormack re: Database Pending Category
- Memo from Mary Ellen D'Intino to Bishop McCormack re: Update on Parish Compliance as of January 2, 2007
- Memo from Mary Ellen D'Intino to Bishop McCormack re: Parish Compliance and Follow-up as of November 6, 2006
- Update on Parish Compliance from Mary Ellen D'Intino (January 2, 2007)
- Update on Parish Compliance Status as of October 26, 2006
- Status report on selected parishes (November 20, 2006)
- Status report on selected parishes (October 22, 2006)
- Correspondence to Diane Murphy Quinlan detailing the distribution of parish bulletins
- Samples of bulletins that display a notice for Child Safety Reporting
- Safe Environment Newsletters: Fall 2006, Winter 2007, Spring 2007
- Keeping Children Safe - A Special Report
- Diocese of Manchester, Diocesan Newsletters (October 2006 to August 2007)
- Printouts from Safe Environment Online Message Board

D. Program Documentation

- Safe Environment Best Practices binder
- Documentation regarding Safe Environment Coordinators
 - List of Safe Environment Coordinators - Parishes, Camps, Schools
 - Diocese of Manchester Safe Environment User/Entity Report (October 25, 2006) - Log of Safe Environment Database user log-in; operation; name of employee/volunteer who's data was changed
 - E-mail(s) correspondence between Diocese of Manchester and entities that had not logged on to the Safe Environment Database
 - Correspondence and emails relating to the rollout of the Safe Environment Database User Guide and internet program access
- Safe Environment Program Access Form with general information
- Safe Environment Database User Guide (V 1.2 May 1, 2007)
- Safe Environment Reference Guide (2007)
- Diocese of Manchester Screening and Training Protocol: Frequently Asked Questions (V 2.0 July 2007)
- New hire personnel records for 9 priests, 4 deacons, and 6 employees

KPMG 2007 Program Assessment
Document Review List

- Contracts between November 1, 2006 and July 24, 2007 for independent contractors working at Diocesan entities

Diocesan Documents relating to the Child Safety Program

- Message from the Bishop re: March 2007 *Code and Policy* (March 9, 2007)
- Keeping Our Children Safe: A Look at What We've Done in the Last 5 Years (Web Date July 23, 2007)
- Diocese of Manchester: Renewing Our Promise Training Bulletin
- Diocese of Manchester Compliance Program Sustainability Guide for Policy Implementation - Effective July 1, 2007
- Various e-mails to/from Diane Murphy Quinlan
- Options for Child Safety Task Force
- Verification forms for distribution of the revised *Code and Policy* and implementation of *PGC* refresher training
- Notes from fingerprinting workshop by Charles Walsh (May 14, 2007)
- Parish, school, camp and administration verification forms signed and dated, attesting that an individual has received and implemented safe environment programs and materials (July 1, 2006 – June 30, 2007)
- Volunteer Document Verification form and email (May 30, 2007)

Evidence supporting implementation of policies and protocols:

- Documentation of reconciliation to Safe Environment Database and completion of screening and training requirements for:
 - Priests (July 18, 2007)
 - Permanent Deacons (July 18, 2007)
 - Seminarians and Trainers

Compliance Coordinator's Monthly Reports

- Final Report on 2006 Parish Compliance Site Visits (December 1, 2006)
- Monthly compliance reports to Bishop McCormack and the Diocesan Review Board: (November 30, 2006; December 31, 2007; January 31, 2007; February 28, 2007; March 31, 2007; April 30, 2007; May 31, 2007; and June 30, 2007)
- Memoranda and monthly reports to Bishop McCormack on various issues and his acknowledgement and comments confirming his review

E. Auditing/ Testing of the Program

- Diocesan Review Board Audit Report 2006 and cover letter
- Gavin Group Report (December 7, 2006) and supporting documentation:
 - Instructions for the 2006 Compliance Audit document published by US Conference of Catholic Bishops (revised July 8, 2006)
 - 2006 Compliance Audit Chart C published by US Conference of Catholic Bishops (revised July 8, 2006)
 - Circles of Care spreadsheet indicating towns, parishes, dates, enrollments, number of people trained, number of people opted out, number trained at home, and notes.
- Report on the Implementation of the Charter for the Protection of Children and Young People

Appendix A

Exhibit - 4

KPMG SITE VISIT STATISTICAL ANALYSIS

		NSOPR					PGC					ACK. FORM				APP FORM		CRR									
	"As of" Date - Site (File & Database)	"As of" Date - Diocese	STATUS	Database	File Folder	Diocese	Exception Code = 1	Exception Code = 2	Database	File Folder	Diocese	Exception Code = 3	Exception Code = 4	Exception Code = 5	Database	File Folder	Exception Code = 6	Exception Code = 7	File Folder	Exception Code = 8	Database	File Folder	Diocese	Exception Code = 9	Exception Code = 10	Comments	
SCHOOL A	1	10/3/2007	10/18/2007	A	3/28/2007	no record	3/28/2007		8/12/2006	8/12/2006	8/12/2006				8/1/2006	8/1/2006			7/30/2006 (AF)		8/30/2006	10/2/2006 (letter)	NA**				
	2	10/3/2007	10/18/2007	A	3/28/2007	4/24/2007	no record	1	2/15/2007	2/15/2007	2/15/2007				2/15/2007	2/15/2007			6/15/2007 (AF)		2/26/2007	3/7/2007 (letter)	NA**				
	3	10/3/2007	10/18/2007	A	5/14/2007	4/24/2007	no record	1	3/28/2007	3/28/2007	3/28/2007				4/9/2007	4/9/2007			3/22/2007 (AF)		5/4/2007	5/15/2007 (letter)	NA**				
	4	10/3/2007	10/18/2007	A	9/21/2007	no record	no record	1	1/22/2005	1/22/2005	1/22/2005				11/4/2004	11/2/2004	7		7/28/2004 (AF)		6/30/2004	8/9/2004 (letter)	NA**				
	5	10/3/2007	10/18/2007	A	4/26/2007	no record	4/26/2007		10/18/2001	10/18/2001	10/18/2001				11/19/2004	11/19/2004			11/29/2004 (SF) ME		11/29/2004	12/27/2004	NA**				
	6	10/3/2007	10/18/2007	A	4/26/2007	no record	3/30/2007	2	10/18/2001	9/25/2006	9/25/2006	3				11/19/2004	8/2/2006	7		8/2/2006 (AF)		11/29/2004	11/22/2006 (letter)	NA**		NSOPR search run for J.C.W. (very specific); "TX: the state requires add'l search criteria" NSOPR: Database date is 27 days after Diocese date	
	7	10/3/2007	10/18/2007	A	3/30/2004	no record	3/30/2007	2	no record	no record	no record >2002			5	11/3/2005	10/25/2005	7		7/19/2004 (AF)		8/2/2004	8/30/2004 (letter)	NA**				
	8	10/3/2007	10/18/2007	A	9/25/2007	no record	9/25/2007		9/6/2007	9/6/2007	9/6/2007				9/4/2007	9/4/2007			9/4/2007 (AF)		9/17/2007	9/25/2007 (letter)	NA**				
	9	10/3/2007	10/18/2007	A	3/22/2007	no record	3/22/2007		10/18/2001	10/18/2001	10/18/2001				11/4/2004	11/2/2004			1/21/2004 (SF)		1/2/2004	4/28/2004 (letter)	NA**				
	Totals							3	2				1	0	1			0	3		0				0	0	
	Percentage Totals							38%	25%				11%	0%	11%			0%	33%		0%				0%	0%	
10	10/3/2007	10/18/2007	A	3/22/2007	no record	3/22/2007		3/18/2006	3/18/2006	3/18/2006					8/24/2006	4/28/2007	7		3/31/2006 (SF) CT		4/5/2006	4/12/06 letter; 3/31/06 form	4/5/2006				
11	10/3/2007	10/18/2007	A	8/3/2007	no record	8/3/2007		7/14/2007	7/14/2007	7/14/2007				7/14/2007	7/14/2007				no record	8	7/31/2007	7/14/07 form; 8/3/07 letter	7/31/2007				

KPMG SITE VISIT STATISTICAL ANALYSIS

				NSOPR				PGC					ACK. FORM				APP FORM		CRR									
		"As of" Date - Site (File & Database)	"As of" Date - Diocese	STATUS	Database	File Folder	Diocese	Exception Code = 1	Exception Code = 2	Database	File Folder	Diocese	Exception Code = 3	Exception Code = 4	Exception Code = 5	Database	File Folder	Exception Code = 6	Exception Code = 7	File Folder	Exception Code = 8	Database	File Folder	Diocese	Exception Code = 9	Exception Code = 10	Comments	
PARISH A	12	10/3/2007	10/18/2007	A	8/3/2007	no record	8/3/2007			7/14/2007	7/14/2007	7/14/2007				7/14/2007	7/14/2007			no record	8	7/31/2007	7/14/07 form; 8/3/07 letter	7/31/2007			One NSOPR search found for M.J.K., 3/26/07, 2 hits but no stamp, "task failed in TX." Second NSOPR search for M.K., 8/3/07, 4 hits (2 that match above) w/ stamp, no failure.	
	13	10/3/2007	10/18/2007	A	3/28/2007	no record	3/28/2007			1/15/2006	no record	1/15/2006				1/15/2006	4/28/2007; 1/15/06			1/15/2006 (SF)		12/14/2006	12/11/05 form; 12/16/05 letter	12/14/2005				
	14	10/3/2007	10/18/2007	A	8/3/2007	7/12/2006	8/3/2007			7/14/2007	7/14/2007	7/14/2007				7/14/2007	7/14/2007			no record	8	7/31/2007	8/3/2007 letter; 7/14/07 form	7/31/2007			File contains printout from NSOPR website, listing one hit; email from EM to SEC 5/3/07 requesting DOB for clearance	
	15	10/3/2007	10/18/2007	A	3/30/2007	no record	3/30/2007			10/29/2002	note 10/29/02	no record <2002		4		10/25/2004	10/25/2004			10/25/2004 (SF)		10/29/2002	9/22/2002 form	10/29/2002				
	16	10/3/2007	10/18/2007	A	3/23/2007	no record	3/23/2007			7/9/2006	7/9/2006	7/9/2006				11/28/2005	11/28/05; 7/9/07; 5/19/07			11/28/05 (SF) NY		4/27/2006	5/2/2006 (letter) 4/12/06 (form)	4/27/2006				
	17	10/3/2007	10/18/2007	A	3/28/2007	no record	3/28/2007			4/29/2002	note 4/29/02	4/29/2002				7/1/2004	4/23/2007			7	7/1/2004 (SF)		10/29/2002	9/22/02 (form); 10/22/02 (form)	10/29/2002			
	18	10/3/2007	10/18/2007	P	NULL	no record	no record			9/9/2007	no record	9/9/2007				NULL	no record				no record		NULL	no record	no record			Note in file: New CCD volunteer, awaiting paperwork
	19	10/3/2007	10/18/2007	P	12/31/2004 not redone	no record	no record			9/9/2007	no record	9/9/2007				blank	no record				9/2/2007 (AF)		NULL	9/2/07 (form)	no record			
	20	10/3/2007	10/18/2007	P	3/30/2007	nh only 7/12/06	3/30/2007			7/14/2007	7/14/2007	7/14/2007				NULL	7/14/2007				no record	8	NULL	no record	no record			
	Totals							0					0	1	0					0	2		4			0	0	
Percentage Totals							0%					0%	9%	0%					0%	18%		36%			0%	0%		

KPMG SITE VISIT STATISTICAL ANALYSIS

		NSOPR						PGC					ACK. FORM				APP FORM		CRR								
		"As of" Date - Site (File & Database)	"As of" Date - Diocese	STATUS	Database	File Folder	Diocese	Exception Code = 1	Exception Code = 2	Database	File Folder	Diocese	Exception Code = 3	Exception Code = 4	Exception Code = 5	Database	File Folder	Exception Code = 6	Exception Code = 7	File Folder	Exception Code = 8	Database	File Folder	Diocese	Exception Code = 9	Exception Code = 10	Comments
CAMP A	21	10/4/2007	10/18/2007	A	6/29/2007	no record	6/29/2007			1/27/2003	no record	1/27/2003				6/16/2007	6/16/2007			6/16/2007 (AF)		7/15/2004	no record	7/15/2004			Note in file indicates "file at St. Mary" M Drumm thinks he spoke with someone @ St. Mary's
	22	10/4/2007	10/18/2007	A	6/29/2007	no record	6/29/2007			6/17/2006	6/17/2006	6/17/2006				6/17/2006	6/17/06, 6/19/04			6/19/04 (SF) MA; 6/17/06 (SF)		7/2/04*	7/2/04 (letter - MA)	7/2/2004			
	23	10/4/2007	10/18/2007	A	6/29/2007	no record	3/22/2007	2		6/23/2007	6/26/2007	6/23/2007				6/23/2007	6/23/2007			6/23/2007 (SF)		6/19/07*	6/25/2007 (letter)	6/19/2007			
	24	10/4/2007	10/18/2007	A	6/29/2007	no record	6/29/2007			7/14/2005	7/14/2005	7/14/2005				7/14/2005	6/23/07, 6/16/07, 7/14/05			7/10/2005 (SF) NY		7/13/05*	7/13/05 (letter - NY)	7/13/2005			
	25	10/4/2007	10/18/2007	A	6/29/2007	no record	3/28/2007	2		6/24/2006	6/24/2006	6/24/2007				6/24/2006	6/24/06, 6/23/07			6/24/2006 (SF)		6/23/2006	6/28/2006 (letter)	6/23/2007			NSOPR "task failed in NJ"
	26	10/4/2007	10/18/2007	A	6/29/2007	no record	3/28/2007	2		6/18/2005	6/18/2005	6/18/2005				6/18/2005	6/18/05, 6/16/07			6/18/2005 (SF); 6/16/07 (AF)		6/28/2005	7/1/2005 (letter) 6/12/07 (form)	6/28/2005			NSOPR "task failed in GA"
	27	10/4/2007	10/18/2007	A	6/28/2007	no record	6/29/2007	2		7/9/2007	7/9/2007	7/9/2007				7/9/2007	6/9/2007		7	6/9/2007 (SF)		6/10/2007*	NA***	NA***			
	28	10/4/2007	10/18/2007	A	6/28/2007	no record	3/21/2007	2		6/23/2007	6/23/2007	6/23/2007				6/23/2007	6/23/2007			6/23/2007 (SF)		6/28/2007	7/5/2007 (letter)	****			
	29	10/4/2007	10/18/2007	A	6/29/2007	no record	4/11/2007	2		6/22/2002	no record	6/22/2002				6/18/2004	6/18/04; 6/23/07			4/20/2004 (SF)		6/15/2004	6/22/2004 (letter)	6/15/2004			No PGC Record at Site: Form to Diocese dated 7/11/07 from camp director - verify to best of knowledge people on list attended PGC on specified dates.
	30	10/4/2007	10/18/2007	A	6/29/2007	no record	3/21/2007	2		7/14/2005	7/14/05; 5/25/04	7/14/2005				6/18	6/16; 6/23; 6/18			5/22/2004 (SF)		5/25/2004	****	5/25/2004			No PGC Record at Site: Form to Diocese dated 7/11/07 from camp director - verify to best of knowledge people on list attended PGC on specified dates.
	31	10/4/2007	10/18/2007	A	7/10/2007	no record	7/10/2007			6/16/2007	no record	6/16/2007				6/16/2007	no record	6		no record	8	6/15/2007	7/15/2007 Letter	6/15/2007			Per camp director, records may be at Parish C. Director believes he called E.M. who advised WB records @ Parish C. No record of check w/ E.M.

KPMG SITE VISIT STATISTICAL ANALYSIS																												
		NSOPR						PGC					ACK. FORM				APP FORM		CRR									
	"As of" Date - Site (File & Database)	"As of" Date - Diocese	STATUS	Database	File Folder	Diocese	Exception Code = 1	Exception Code = 2	Database	File Folder	Diocese	Exception Code = 3	Exception Code = 4	Exception Code = 5	Database	File Folder	Exception Code = 6	Exception Code = 7	File Folder	Exception Code = 8	Database	File Folder	Diocese	Exception Code = 9	Exception Code = 10	Comments		
32	10/4/2007	10/18/2007	A	7/31/2007	no record	no record	1		7/9/2007	7/9/2007	7/9/2007				7/9/2007	7/9/2007			7/9/2007 (SF)		7/31/2007	7/31/07 (letter, choice point)	7/31/2007					
33	10/4/2007	10/18/2007	A	6/28/2007	no record	3/23/2007	2		7/9/2007	7/9/2007	7/9/2007				6/23/2007	7/9/07, 6/23/07			7/9/2007 (SF)		8/11/2003	no record	8/11/2003					
34	10/4/2007	10/18/2007	A	6/29/2007	no record	no record	1		6/22/2002	no record	6/22/2002				6/16/2007	6/16/2007			6/16/07 (AF) NY		6/19/07*	6/19/07 (choice point)	6/19/2007				No PGC Record at site: Letter at Diocese dated 6/26/07 attesting that he attended PGC on 6/22/07 (based on what?) by camp director	
35	10/4/2007	10/18/2007	A	6/29/2007	no record	6/29/2007			6/23/2007	6/23/2007	6/23/2007				6/23/2007	6/23/2007			6/23/07 (SF) Mexico		6/10/07*	NA***	NA***					
36	10/4/2007	10/18/2007	A	4/11/2007	no record	4/11/2007			7/21/2002	no record	7/21/2002				4/20/2004	6/20/2007; 5/21/05; 4/20/04			6/20/07 (AF) MA; 4/19/05 (SF)		4/13/2004	11/21/06 (letter); 6/20/07 (form); form w/o date, notarized; 4/13/04 (letter, MA)	****	9	12		Among files that MED could not locate during her review	
37	10/4/2007	10/18/2007	P	8/12/2006	no record	no record	1		no record	no record	no record >2002			5	4/15/2006	4/15/06; 5/31/05; 4/15/04			5/31/05 (SF) VT; 4/15/06 (SF); 4/15/04 (SF) VT		8/3/2004	7/30/04 (form)	****				Among files that MED could not locate during her review	
Totals							3	8				0	0	1				1	1		1				1	1		
Percentage Totals							18%	47%				0%	0%	6%				6%	6%		6%				6%	6%		

KPMG SITE VISIT STATISTICAL ANALYSIS

				NSOPR				PGC					ACK. FORM				APP FORM		CRR								
		As of Date - Site (File & Database)	As of Date - Diocese	STATUS	Database	File Folder	Diocese	Exception Code = 1	Exception Code = 2	Database	File Folder	Diocese	Exception Code = 3	Exception Code = 4	Exception Code = 5	Database	File Folder	Exception Code = 6	Exception Code = 7	File Folder	Exception Code = 8	Database	File Folder	Diocese	Exception Code = 9	Exception Code = 10	Comments
PARISH B	38	10/4/2007	10/18/2007	A	4/9/2007	no record	4/9/2007			1/25/2007	1/25/2007	1/25/2007				1/25/2007	1/25/2007			1/25/07 (AF)		4/12/2007	no record	4/12/2007			
	39	10/4/2007	10/18/2007	A	3/23/2007	no record	3/23/2007			1/25/2007	1/25/2007	1/25/2007				1/27/2007	1/27/2007			12/17/06 (AF)		1/3/2007	12/17/06 (form)	1/3/2007			
	40	10/4/2007	10/18/2007	A	3/30/2007	no record	no record	1		1/25/2007	1/25/2007	1/25/2007				1/25/2007	1/25/2007			1/25/07 (AF)		4/12/2007	no record	4/12/2007			
	41	10/4/2007	10/18/2007	A	7/30/2007	no record	7/30/2007			7/17/2007	7/17/2007	7/17/2007				10/2/2004	4/12/2006		7	10/2/04 (SF)		7/17/2007	7/16/07 (form); 7/30/07 (letter)	7/17/2007			
	42	10/4/2007	10/18/2007	A	3/21/2007	no record	3/21/2007			9/9/2006	no record	9/9/2006				4/15/2007	4/15/2007			11/29/06 (AF)		1/3/2007	12/9/06 (form)	1/3/2007			
	43	10/4/2007	10/18/2007	A	3/21/2007	no record	3/21/2007			9/6/2006	no record	9/6/2006				9/6/2006	9/6/2006			12/7/06 (AF)		1/3/2007	12/7/06 (form)	1/3/2007			
	44	10/4/2007	10/18/2007	A	3/26/2007	no record	3/26/2007			10/31/2002	10/31/2002	no record <2002		4		10/3/2004	10/3/2004			10/3/04 (SF)		1/9/2003	1/9/2003	1/9/2003			
	45	10/4/2007	10/18/2007	A	7/30/2007	no record	7/30/2007			4/25/2005	note, but no date	4/25/2005				10/10/2004	10/10/2004			10/10/04 (SF)		7/17/2007	7/16/07 (form); 6/30/07 (letter)	7/17/2007	9		Phone message note in file for MKS dated 8/3/06: "had PGC, paperwork, criminal background over a year ago" w/ Sr. Rosemary. [no specific dates for any of this info, though]

KPMG SITE VISIT STATISTICAL ANALYSIS																											
		NSOPR					PGC					ACK. FORM				APP FORM		CRR									
	As of Date - Site (File & Database)	As of Date - Diocese	STATUS	Database	File Folder	Diocese	Exception Code = 1	Exception Code = 2	Database	File Folder	Diocese	Exception Code = 3	Exception Code = 4	Exception Code = 5	Database	File Folder	Exception Code = 6	Exception Code = 7	File Folder	Exception Code = 8	Database	File Folder	Diocese	Exception Code = 9	Exception Code = 10	Comments	
46	10/4/2007	10/18/2007	A	3/27/2007	no record	3/27/2007			6/28/2005	6/28/2005	6/28/2005				5/23/2005	no record	6		12/2/2006 (AF)		1/3/2007	no record	1/3/2007				
47	10/4/2007	10/18/2007	A	3/28/2007	no record	3/28/2007			5/24/2006	no record	5/24/2006				10/17/2004	10/17/2004			10/17/04 (SF)		6/30/2006	no record	6/30/2006				
48	10/4/2007	10/18/2007	A	3/30/2007	no record	3/30/2007			6/13/2005	6/13/2005	6/13/2005				1/23/2005	1/23/2005			1/23/05 (SF)		9/21/2006	no record	9/21/2006				
49	10/4/2007	10/18/2007	P	blank	no record	no record			9/6/2007	at OMC	9/6/2007				blank	8/30/2007			8/30/2007 (AF)		NULL	8/30/2007 (form)	****				
Totals							1	0				0	1	0			1	1		0					1	0	
Percentage Totals							8%	0%				0%	8%	0%			8%	8%		0%					8%	0%	

KPMG SITE VISIT STATISTICAL ANALYSIS

		NSOPR							PGC					ACK. FORM				APP FORM		CRR								
		As of Date - Site (File & Database)	As of Date - Diocese	STATUS	Database	File Folder	Diocese	Exception Code = 1	Exception Code = 2	Database	File Folder	Diocese	Exception Code = 3	Exception Code = 4	Exception Code = 5	Database	File Folder	Exception Code = 6	Exception Code = 7	File Folder	Exception Code = 8	Database	File Folder	Diocese	Exception Code = 9	Exception Code = 10	Comments	
SCHOOL B	50	10/4/2007	10/18/2007	A	4/3/2007	no record	no record	1		7/14/2007	no record	7/14/2007				4/23/2007	4/23/07, 2/16/07			1/25/07 (Emp. AF); 2/16/07 (Vol AP); 5/29/07 (Vol AF)		3/26/2007	5/8/07 (letter); 4/3/07 (letter)	NA**				
	51	10/4/2007	10/18/2007	A	3/22/2007	no record	3/22/2007			9/29/2004	9/29/2004	9/29/2004				3/8/2005	9/29/04; 6/28/07, 3/8/05			6/28/07 (AF); 9/27/04 (SF)		7/13/2007	7/30/07 (letter); 7/2/07 (form)	NA**				
	52	10/4/2007	10/18/2007	A	3/22/2007	no record	3/22/2007			1/3/2007	1/3/2007	1/3/2007				2/19/2007	2/19/2007			2/19/07 (AF)		3/22/2007	no record	NA**				
	53	10/4/2007	10/18/2007	A	6/20/2007	no record	6/20/2007			3/30/2006	no record	3/30/2006				5/31/2007	5/31/2007			5/31/07 (AF)		6/15/2007	no record	NA**				
	54	10/4/2007	10/18/2007	A	2/19/2007	no record	no record	1		1/3/2007	1/3/2007	1/3/2007				5/18/2007	5/18/2007			5/18/07 (AF)		5/24/2007	6/18/07 (letter)	NA**				
	55	10/4/2007	10/18/2007	A	3/26/2007	no record	3/26/2007			1/3/2007	1/3/2007	1/3/2007				1/4/2007	1/4/2007			1/2/07 (SF) VT		3/22/2007	no record	NA**				
	56	10/4/2007	10/18/2007	A	3/27/2007	no record	3/27/2007			1/3/2007	1/3/2007	1/3/2007				11/6/2006	11/6/2006			11/6/06 (SF)		11/17/2006	11/22/06 (letter)	NA**				
	57	10/4/2007	10/18/2007	A	6/11/2007	no record	6/11/2007			1/3/2007	1/3/2007	1/3/2007				5/25/2007	6/13/2007	7		5/25/07 (AF)		6/7/2007	6/11/07 (letter)	NA**				
	59	10/4/2007	10/18/2007	A	4/4/2007	no record	3/30/2007		2	10/18/2001	no record	10/18/2001				2/11/2005	2/11/05, 5/22/07			6/15/04 (SF)		7/9/2004	7/15/04 (letter); 6/15/04 (form)	NA**				
	60	10/4/2007	10/18/2007	A	3/28/2007	no record	3/28/2007			10/8/2005	10/8/2005	10/8/2005				12/12/2005	12/12/05, 5/16/07			6/13/03 (AF); 6/28/05 (AF)		1/4/2006	1/25/06 (letter)	NA**				

KPMG SITE VISIT STATISTICAL ANALYSIS																											
		NSOPR						PGC					ACK. FORM				APP FORM		CRR								
	"As of" Date - Site (File & Database)	"As of" Date - Diocese	STATUS	Database	File Folder	Diocese	Exception Code = 1	Exception Code = 2	Database	File Folder	Diocese	Exception Code = 3	Exception Code = 4	Exception Code = 5	Database	File Folder	Exception Code = 6	Exception Code = 7	File Folder	Exception Code = 8	Database	File Folder	Diocese	Exception Code = 9	Exception Code = 10	Comments	
61	10/4/2007	10/18/2007	A	3/28/2007	no record	3/28/2007			1/3/2007	1/3/2007	1/3/2007				1/4/2007	1/4/07; 4/12/07			not reviewed b/c only given SE file; has been principal since 11/06		11/22/2006	no record	NA**				
62	10/4/2007	10/18/2007	A	3/21/2007	no record	3/21/2007			10/8/2005	10/8/2005	10/8/2005				12/8/2005	4/13/07; 10/6/05; 12/8/05			AF not dated		12/22/2005	no record	NA**				
63	10/4/2007	10/18/2007	P	10/3/2007	no record	no record			9/17/2007	no record	9/17/2007				9/18/2007	9/18/2007			9/5/07 (AF)		no record	no record	9/28/2007			No screening form w/ other states. Contract - 9/17/07. No nat'l finger print check to be done.	
64	10/4/2007	10/18/2007	P	10/3/2007	no record	no record			9/17/2007	no record	9/17/2007				9/24/2007	9/24/2007			6/9/07 (AF)		no record	no record	9/28/2007			Began 8/28	
65	10/4/2007	10/18/2007	P	10/3/2007	no record	no record			5/26/2005	no record	5/26/2005				8/28/2007	9/21/2007		7	8/15/07 (AF)		no record	no record	9/28/2007			Note in file that PGC was completed in Maine. Accepted.	
66	10/4/2007	10/18/2007	P	10/3/2007	no record	no record			9/17/2007	no record	9/17/2007				9/21/2007	9/21/2007			AF not dated		no record	no record	9/28/2007			Started 8/28. App missing date. No record of CRR application.	
67	10/4/2007	10/18/2007	P	10/4/2007	no record	no record			9/17/2007	no record	9/17/2007				9/27/2007	9/27/2007			no record		no record	10/4/07 (form)	NA**			Soccer coach helper. -9/24 start date	
Totals							2	1				0	0	0			0	2		0				0	0		
Percentage Totals							12%	6%				0%	0%	0%			0%	12%		0%					0%	0%	
Overall Statistical Information:																											
Total exceptions:							9	11				1	2	2			2	9		5				2	1		
Percentage of total files (67 count) tested:							13%	16%				1%	3%	3%			3%	13%		7%				3%	1%		

KPMG SITE VISIT STATISTICAL ANALYSIS																										
		NSOPR				PGC				ACK. FORM			APP FORM		CRR											
	"As of" Date - Site (File & Database)	"As of" Date - Diocese	STATUS	Database	File Folder	Diocese	Exception Code = 1	Exception Code = 2	Database	File Folder	Diocese	Exception Code = 3	Exception Code = 4	Exception Code = 5	Database	File Folder	Exception Code = 6	Exception Code = 7	File Folder	Exception Code = 8	Database	File Folder	Diocese	Exception Code = 9	Exception Code = 10	Comments
EXCEPTION CODES																										
1 = file at the diocese does not contain evidence of NSOPR check, although a date for its completion was reflected in the SE Database				3 = date on PGC documentation in the diocese file does not correspond to the date in the SE Database				6 = file at the tested site did not contain an Acknowledgement Form, although a date for its completion is reflected in the SE Database				8 = file at the tested site contains neither an Application Form or a Screening Form		9 = CRR letter is dated prior to the date on the individual's criminal records release form.												
2 = file at the diocese had documentation of NSOPR check, the date for which does not correspond to the date in the SE Database				4 = file at the diocese did not contain proof of PGC training attendance, the date of which was during or prior to 2002, according to other information for that individual				7 = file at the tested site contained an Acknowledgement Form, the date for which does not correspond to the date in the SE Database				AF = Application Form SF = Screening Form State abbreviation next to date indicates individual lived in state other than NH		10 = CRR date in the SE Database is prior to the date of the individual's CRR form												
				5 = file at the diocese did not contain proof of PGC training attendance, the date of which was after 2002, according to other information for that individual										letter = letter from DOM or state organization that individual has cleared criminal records check form = criminal records request form, authorization by personnel to run check												
* = international criminal records check ** = school records of criminal records check destroyed per NH state law *** = not applicable because international check was performed **** = no test performed for this category																										

Appendix A
Exhibit - 5

2. EFFECTIVE COMPLIANCE AND ETHICS PROGRAM

Historical Note: Effective November 1, 2004 (see Appendix C, amendment 673).

§8B2.1. Effective Compliance and Ethics Program

- (a) To have an effective compliance and ethics program, for purposes of subsection (f) of §8C2.5 (Culpability Score) and subsection (c)(1) of §8D1.4 (Recommended Conditions of Probation - Organizations), an organization shall—
- (1) exercise due diligence to prevent and detect criminal conduct; and
 - (2) otherwise promote an organizational culture that encourages ethical conduct and a commitment to compliance with the law.

Such compliance and ethics program shall be reasonably designed, implemented, and enforced so that the program is generally effective in preventing and detecting criminal conduct. The failure to prevent or detect the instant offense does not necessarily mean that the program is not generally effective in preventing and detecting criminal conduct.

- (b) Due diligence and the promotion of an organizational culture that encourages ethical conduct and a commitment to compliance with the law within the meaning of subsection (a) minimally require the following:
- (1) The organization shall establish standards and procedures to prevent and detect criminal conduct.
 - (2) (A) The organization's governing authority shall be knowledgeable about the content and operation of the compliance and ethics program and shall exercise reasonable oversight with respect to the implementation and effectiveness of the compliance and ethics program.
 - (B) High-level personnel of the organization shall ensure that the organization has an effective compliance and ethics program, as described in this guideline. Specific individual(s) within high-level personnel shall be assigned overall responsibility for the compliance and ethics program.

- (C) Specific individual(s) within the organization shall be delegated day-to-day operational responsibility for the compliance and ethics program. Individual(s) with operational responsibility shall report periodically to high-level personnel and, as appropriate, to the governing authority, or an appropriate subgroup of the governing authority, on the effectiveness of the compliance and ethics program. To carry out such operational responsibility, such individual(s) shall be given adequate resources, appropriate authority, and direct access to the governing authority or an appropriate subgroup of the governing authority.
- (3) The organization shall use reasonable efforts not to include within the substantial authority personnel of the organization any individual whom the organization knew, or should have known through the exercise of due diligence, has engaged in illegal activities or other conduct inconsistent with an effective compliance and ethics program.
- (4) (A) The organization shall take reasonable steps to communicate periodically and in a practical manner its standards and procedures, and other aspects of the compliance and ethics program, to the individuals referred to in subdivision (B) by conducting effective training programs and otherwise disseminating information appropriate to such individuals' respective roles and responsibilities.

(B) The individuals referred to in subdivision (A) are the members of the governing authority, high-level personnel, substantial authority personnel, the organization's employees, and, as appropriate, the organization's agents.
- (5) The 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;
 - (B) to evaluate periodically the effectiveness of the organization's compliance and ethics program; and
 - (C) to have and publicize a system, which may include mechanisms that allow for anonymity or confidentiality, whereby the organization's employees and agents may report or seek guidance regarding potential or actual criminal conduct without fear of retaliation.
- (6) The organization's compliance and ethics program shall be promoted and enforced consistently throughout the organization through (A) appropriate incentives to perform in accordance with the compliance and ethics program; and (B) appropriate disciplinary measures for engaging in

criminal conduct and for failing to take reasonable steps to prevent or detect criminal conduct.

- (7) After criminal conduct has been detected, the organization shall take reasonable steps to respond appropriately to the criminal conduct and to prevent further similar criminal conduct, including making any necessary modifications to the organization's compliance and ethics program.
- (c) In implementing subsection (b), the organization shall periodically assess the risk of criminal conduct and shall take appropriate steps to design, implement, or modify each requirement set forth in subsection (b) to reduce the risk of criminal conduct identified through this process.

Commentary

Application Notes:

1. Definitions.—For purposes of this guideline:

"Compliance and ethics program" means a program designed to prevent and detect criminal conduct.

"Governing authority" means the (A) the Board of Directors; or (B) if the organization does not have a Board of Directors, the highest-level governing body of the organization.

"High-level personnel of the organization" and "substantial authority personnel" have the meaning given those terms in the Commentary to §8A1.2 (Application Instructions - Organizations).

"Standards and procedures" means standards of conduct and internal controls that are reasonably capable of reducing the likelihood of criminal conduct.

2. Factors to Consider in Meeting Requirements of this Guideline.—

(A) In General.—Each of the requirements set forth in this guideline shall be met by an organization; however, in determining what specific actions are necessary to meet those requirements, factors that shall be considered include: (i) applicable industry practice or the standards called for by any applicable governmental regulation; (ii) the size of the organization; and (iii) similar misconduct.

(B) Applicable Governmental Regulation and Industry Practice.—An organization's failure to incorporate and follow applicable industry practice or the standards called for by any applicable governmental regulation weighs against a finding of an effective compliance and ethics program.

(C) The Size of the Organization.—

- (i) In General.—The formality and scope of actions that an organization shall take to meet the requirements of this guideline, including the necessary features of the organization's standards and procedures, depend on the size of the organization.
- (ii) Large Organizations.—A large organization generally shall devote more formal operations and greater resources in meeting the requirements of this guideline than shall a small organization. As appropriate, a large organization should encourage small organizations (especially those that have, or seek to have, a business relationship with the large organization) to implement effective compliance and ethics programs.
- (iii) Small Organizations.—In meeting the requirements of this guideline, small organizations shall demonstrate the same degree of commitment to ethical conduct and compliance with the law as large organizations. However, a small organization may meet the requirements of this guideline with less formality and fewer resources than would be expected of large organizations. In appropriate circumstances, reliance on existing resources and simple systems can demonstrate a degree of commitment that, for a large organization, would only be demonstrated through more formally planned and implemented systems.

Examples of the informality and use of fewer resources with which a small organization may meet the requirements of this guideline include the following: (I) the governing authority's discharge of its responsibility for oversight of the compliance and ethics program by directly managing the organization's compliance and ethics efforts; (II) training employees through informal staff meetings, and monitoring through regular "walk-arounds" or continuous observation while managing the organization; (III) using available personnel, rather than employing separate staff, to carry out the compliance and ethics program; and (IV) modeling its own compliance and ethics program on existing, well-regarded compliance and ethics programs and best practices of other similar organizations.

(D) Recurrence of Similar Misconduct.—Recurrence of similar misconduct creates doubt regarding whether the organization took reasonable steps to meet the requirements of this guideline. For purposes of this subdivision, "similar misconduct" has the meaning given that term in the Commentary to §8A1.2 (Application Instructions - Organizations).

3. Application of Subsection (b)(2).—High-level personnel and substantial authority personnel of the organization shall be knowledgeable about the content and operation of the compliance and ethics program, shall perform their assigned duties consistent with the exercise of due diligence, and shall promote an organizational culture that encourages ethical conduct and a commitment to compliance with the law.

If the specific individual(s) assigned overall responsibility for the compliance and ethics program does not have day-to-day operational responsibility for the program, then the individual(s) with day-to-day operational responsibility for the program typically should, no less than annually, give the governing authority or an appropriate subgroup thereof information on the implementation and effectiveness of the compliance and ethics program.

4. Application of Subsection (b)(3).—
- (A) Consistency with Other Law.—Nothing in subsection (b)(3) is intended to require conduct inconsistent with any Federal, State, or local law, including any law governing employment or hiring practices.
 - (B) Implementation.—In implementing subsection (b)(3), the organization shall hire and promote individuals so as to ensure that all individuals within the high-level personnel and substantial authority personnel of the organization will perform their assigned duties in a manner consistent with the exercise of due diligence and the promotion of an organizational culture that encourages ethical conduct and a commitment to compliance with the law under subsection (a). With respect to the hiring or promotion of such individuals, an organization shall consider the relatedness of the individual's illegal activities and other misconduct (*i.e.*, other conduct inconsistent with an effective compliance and ethics program) to the specific responsibilities the individual is anticipated to be assigned and other factors such as: (i) the recency of the individual's illegal activities and other misconduct; and (ii) whether the individual has engaged in other such illegal activities and other such misconduct.
5. Application of Subsection (b)(6).—Adequate discipline of individuals responsible for an offense is a necessary component of enforcement; however, the form of discipline that will be appropriate will be case specific.
6. Application of Subsection (c).—To meet the requirements of subsection (c), an organization shall:
- (A) Assess periodically the risk that criminal conduct will occur, including assessing the following:
 - (i) The nature and seriousness of such criminal conduct.
 - (ii) The likelihood that certain criminal conduct may occur because of the nature of the organization's business. If, because of the nature of an organization's business, there is a substantial risk that certain types of criminal conduct may occur, the organization shall take reasonable steps to prevent and detect that type of criminal conduct. For example, an organization that, due to the nature of its business, employs sales personnel who have flexibility to set prices shall establish standards and procedures designed to prevent and detect price-fixing. An organization that, due to the nature of its business, employs sales personnel who have flexibility to represent the material characteristics of a product shall establish standards and procedures designed to prevent and detect fraud.
 - (iii) The prior history of the organization. The prior history of an organization may indicate types of criminal conduct that it shall take actions to prevent and detect.
 - (B) Prioritize periodically, as appropriate, the actions taken pursuant to any requirement set forth in subsection (b), in order to focus on preventing and detecting the criminal conduct identified under subdivision (A) of this note as most serious, and most likely, to occur.

- (C) *Modify, as appropriate, the actions taken pursuant to any requirement set forth in subsection (b) to reduce the risk of criminal conduct identified under subdivision (A) of this note as most serious, and most likely, to occur.*

Background: This section sets forth the requirements for an effective compliance and ethics program. This section responds to section 805(a)(2)(5) of the Sarbanes-Oxley Act of 2002, Public Law 107–204, which directed the Commission to review and amend, as appropriate, the guidelines and related policy statements to ensure that the guidelines that apply to organizations in this chapter "are sufficient to deter and punish organizational criminal misconduct."

The requirements set forth in this guideline are intended to achieve reasonable prevention and detection of criminal conduct for which the organization would be vicariously liable. The prior diligence of an organization in seeking to prevent and detect criminal conduct has a direct bearing on the appropriate penalties and probation terms for the organization if it is convicted and sentenced for a criminal offense.

Historical Note: Effective November 1, 2004 (see Appendix C, amendment 673).

Appendix A
Exhibit - 6

DIOCESE OF MANCHESTER
ACTION PLAN II

June 1, 2007

Objective: To continue to develop sustainable policies and procedures for the Diocese of Manchester in accordance with Church and state law in order to advance the protection of children and young people.

This Action Plan (“Action Plan II”) addresses certain recommendations contained in the KPMG report dated January 16, 2007. The headings of each section reference the headings contained in KPMG’s January 16, 2007, report. In developing the Action Plan and its timeline, consideration was given to ongoing scheduling between the Compliance Coordinator and the pastors, principals, directors, and safe environment coordinators.

Organizational Structure and Oversight

1. Bishop McCormack will meet with the Diocesan Review Board to discuss the role of the Diocesan Review Board, including, but not limited to, reports to the Christian faithful and any suggested changes the Diocesan Review Board may have to the Rules of the Diocesan Review Board. **To be completed on or before December 31, 2007.**

2. The Office for Ministerial Conduct will compile for review by the Diocesan Review Board the comments and suggestions made by KPMG in its January 16, 2007 report, regarding the *Promise to Protect, Pledge to Heal* policy and will submit them to the Safe Environment Council and the Diocesan Review Board for consultation. **To be completed on or before December 31, 2007.**

Programs to Prevent the Sexual Abuse of Minors

3. The Office for Ministerial Conduct will consult with the Safe Environment Council, review its Screening and Training Protocols, and revise them as necessary. Items under review will include:
 - a. development of a time table for recertification of screening procedures.
 - b. out-of-state criminal records checks procedures.
 - c. revision of sex offender registry check procedures to include a screen print of findings.
 - d. exceptions to the procurement of a state-provided criminal records search.**To be completed on or before December 31, 2007.**

4. The diocesan on-line safe environment database is currently in the process of being rolled out to all diocesan schools, parishes, and camps. As rollout continues, the Compliance Coordinator will continue to provide to Safe Environment Coordinators guidelines for use of the database. This guidance will include, among other things, definitions of various database fields and terms commonly used in the database. **To be completed on or before August 15, 2007.**

DIOCESE OF MANCHESTER
ACTION PLAN II

June 1, 2007

5. As the diocesan on-line safe environment database continues to be implemented in parishes, schools, and camps, the database will be configured so that a “start date” will be recognized within the application. This will allow the Office for Ministerial Conduct to monitor and verify completion of safe environment requirements within the established timeframes. **To be completed on or before December 31, 2007.**

6.
 - a. During ongoing site re-visits, the Compliance Coordinator reviews contracts with independent contractors in order to assure that the correct contractual language is inserted in any contracts that the entity has entered into with independent contractors. **Ongoing.**

 - b. On an annual basis, the Compliance Coordinator will obtain written verification from diocesan schools that its contracts with independent contractors include the language contained in the Screening and Training Protocol. **To be completed on or before December 31, 2007.**

 - c. On an annual basis, the Compliance Coordinator will send reminders to the diocesan Catholic schools regarding the safe environment requirements for independent contractor agreements and will obtain from the schools any new independent contractor agreements for the upcoming school year. **To be completed on or before September 30, 2007.**

7. During ongoing site re-visits, the Compliance Coordinator conducts file reviews and subsequently corrects the dates of any acknowledgement forms if they are incorrectly recorded in the safe environment database. **Ongoing.**

Program Documentation

8. The Compliance Coordinator will send correspondence to safe environment coordinators reminding them to review their files and correct in the online safe environment database any dates that are incorrectly recorded. **To be completed on or before August 31, 2007.**

9. The Office for Ministerial Conduct will develop a mechanism for regular communication between Safe Environment Coordinators and the Compliance Coordinator. **To be completed on or before December 31, 2007.**

Auditing/Testing of the Program

10. In accordance with the *Promise to Protect, Pledge to Heal* Policy, the Diocesan Review Board will continue to conduct 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. **Ongoing from Action Plan I.**

Appendix B

Appendix B
Glossary of Terms

CRR	Criminal Records Release
CORI	Criminal Offender Record Information
DCYF	Division of Children, Youth and Families
DRB	Diocesan Review Board
NSOPR	National Sex Offender Public Registry
OMC	Office of Ministerial Conduct
PGC	Protecting God's Children
SE	Safe Environment
SE Database	Safe Environment Database
SE Coordinator	Safe Environment Coordinator
USCCB	United States Conference of Catholic Bishops

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

**Diocese of Manchester
Office for Ministerial Conduct
Parish and School Risk Assessment Matrix**

The risk assessment matrix is designed to quantify the judgment of the Delegate for Ministerial Conduct regarding the level of implementation of the diocesan policy for those who regularly work with minors.

This risk matrix will be drafted by the Safe Environment Coordinator for each diocesan parish, school and camp. The Safe Environment Compliance Coordinator will be assisted by the Safe Environment Assistant and/or the reviewer who completed the most recent site review. The Delegate for Ministerial Conduct or his designee will then review the draft and determine a category for each entity: *Satisfactory*, *Needs Improvement*, or *Unsatisfactory*. The category will determine the frequency of further site reviews.

Staffing

Does the Pastor/Principal demonstrate a commitment to the Diocesan safe environment policies?	Always	1	2	3	4	5 Never
Does the entity have a Safe Environment Coordinator (SEC)?	Yes	1				5 No
Has the Safe Environment Coordinator received training at a scheduled diocesan training session or from Office for Ministerial Conduct (OMC) staff?	Yes	1				5 No

Initial Site Visits

Did the entity cooperate in the scheduling of the initial site visit?	Yes	1	2	3	4	5 No
Were both the Pastor/Principal and the Safe Environment Coordinator present for the initial site visit?	Yes	1				5 No
What was the percentage of individuals identified as having missing items following the initial site visit?	0-10%	1	2	3	4	5 75% -100%
Was the missing information completed and submitted to the Diocese in a timely manner?	21 days	1	2	3	4	5 60+ days
Are the safe environment records maintained in an organized filing system?	Organized	1	2	3	4	5 Disorganized

The six items immediately below appear to be incorporated into the revisit rating score.

Site Re-visits (Complete this section if a site re-visit has occurred. If not applicable, go to the next section).

Did the entity cooperate in the scheduling of the site visit?	Yes	1	2	3	4	5 No
Were both the Pastor/Principal and the Safe Environment Coordinator present for the site visit?	Yes	1				5 No
What was the percentage of individuals identified as having missing items following the site visit?	0-10%	1	2	3	4	5 75% -100%
Did the percentage improve or worsen?	Improve	1				Worsen 5
Was the missing information completed and submitted to the Diocese in a timely manner?	30 days	1	2	3	4	5 60+ days
Are the safe environment records maintained in an organized filing system?	Organized	1	2	3	4	5 Disorganized

Administration

Does the entity notify personnel that they cannot work with minors if they do not complete the safe environment requirements?	Always	1	2	3	4	5 Never
Does the entity host <i>Protecting God's Children</i> training sessions?	Often	1	2	3	4	5 Never

Communication/Updates

Does the entity submit regular safe environment updates to the Office for Ministerial Conduct?	Always	1	2	3	4	5 Never
Are the updates sent on time?	Always	1	2	3	4	5 Never
Does the entity contact the Office for Ministerial Conduct when questions arise?	Always	1	2	3	4	5 Never
Does the Pastor/Principal and/or Safe Environment Coordinator read relevant materials and respond to requests (submit names of coaches, submit name of SEC, use of national sex offender registry, submission of criminal records release forms to OMC)?	Always	1	2	3	4	5 Never

Total Rating: **31**

Comments:

Revisit Rating 38

Based upon the matrix, and our judgment, this parish is ranked as:

	Satisfactory	Needs Improvement	Unsatisfactory
Initial Rating (14- 30)		(31-49)	(50-70)
Re-visit	(19-39)	(40-74)	(75-95)

Safe Environment Compliance Coordinator

Date

Delegate for Ministerial Conduct

Date

**Diocese of Manchester
Office for Ministerial Conduct
Parish and School Risk Assessment Matrix**

The risk assessment matrix is designed to quantify the judgment of the Delegate for Ministerial Conduct regarding the level of implementation of the diocesan policy for those who regularly work with minors.

This risk matrix will be drafted by the Safe Environment Coordinator for each diocesan parish, school and camp. The Safe Environment Compliance Coordinator will be assisted by the Safe Environment Assistant and/or the reviewer who completed the most recent site review. The Delegate for Ministerial Conduct or his designee will then review the draft and determine a category for each entity: *Satisfactory*, *Needs Improvement*, or *Unsatisfactory*. The category will determine the frequency of further site reviews.

Staffing

Does the Pastor/Principal demonstrate a commitment to the Diocesan safe environment policies?	Always	1	2	3	4	5
			Sometimes		Never	
Does the entity have a Safe Environment Coordinator (SEC)?	Yes	1				5
					No	
Has the Safe Environment Coordinator received training at a scheduled diocesan training session or from Office for Ministerial Conduct (OMC) staff?	Yes	1				5
					No	

Initial Site Visits

Did the entity cooperate in the scheduling of the initial site visit?	Yes	1	2	3	4	5
						No
Were both the Pastor/Principal and the Safe Environment Coordinator present for the initial site visit?	Yes	1				5
						No
What was the percentage of individuals identified as having missing items following the initial site visit?	0-10%	1	2	3	4	5
			40-50%		75% -100%	
Was the missing information completed and submitted to the Diocese in a timely manner?	21 days	1	2	3	4	5
			30-45 days		60+ days	
Are the safe environment records maintained in an organized filing system?	Organized	1	2	3	4	5
					Disorganized	

The six items immediately below appear to be incorporated into the revisit rating score.

Site Re-visits (Complete this section if a site re-visit has occurred. If not applicable, go to the next section).

Did the entity cooperate in the scheduling of the site visit?	Yes	1	2	3	4	5
						No
Were both the Pastor/Principal and the Safe Environment Coordinator present for the site visit?	Yes	1				5
						No
What was the percentage of individuals identified as having missing items following the site visit?	0-10%	1	2	3	4	5
			40-50%		75% -100%	
Did the percentage improve or worsen?	Improve					Worsen
	1					5
Was the missing information completed and submitted to the Diocese in a timely manner?	30 days	1	2	3	4	5
			45 days		60+ days	
Are the safe environment records maintained in an organized filing system?	Organized	1	2	3	4	5
					Disorganized	

Administration

Does the entity notify personnel that they cannot work with minors if they do not complete the safe environment requirements?	Always	1	2	3	4	5
			Sometimes		Never	
Does the entity host <i>Protecting God's Children</i> training sessions?	Often	1	2	3	4	5
			Sometimes		Never	

Communication/Updates

Does the entity submit regular safe environment updates to the Office for Ministerial Conduct?	Always	1	2	3	4	5
			Sometimes		Never	
Are the updates sent on time?	Always	1	2	3	4	5
			Sometimes		Never	
Does the entity contact the Office for Ministerial Conduct when questions arise?	Always	1	2	3	4	5
			Sometimes		Never	
Does the Pastor/Principal and/or Safe Environment Coordinator read relevant materials and respond to requests (submit names of coaches, submit name of SEC, use of national sex offender registry, submission of criminal records release forms to OMC)?	Always	1	2	3	4	5
			Sometimes		Never	

Total Rating: **50**

Comments:

Revisit Rating 74

Based upon the matrix, and our judgment, this parish is ranked as:

	Satisfactory	Needs Improvement	Unsatisfactory
Initial Rating	(14- 30)	(31-49)	(50-70)
Re-visit	(19-39)	(40-74)	(75-95)

Safe Environment Compliance Coordinator

Date

Delegate for Ministerial Conduct

Date

EXHIBIT C

BRIAN M QUIRK
Attorney at Law

September 14, 2007

Bryan O'Connell, Manager, Forensic Services
KPMG LLP
99 High Street
Boston, MA 02110-2371

Re: **Diocese of Manchester - KPMG Audit**

Dear Bryan:

I write in response to the list provided by KPMG of 56 numbers representing 55 individuals (#5160 listed twice) in the Safe Environment Database reportedly listed as Active on August 20, 2007 with no Criminal Records Checks and no Sex Offender Registry Checks.

From a detailed review of the individuals listed, I am pleased to inform you that all but one of the names are either those of minors (34 of the 55 names listed) or of people without an entity affiliation (20 of the 55 names listed). One name was that of a person listed in the Database as being active and as having completed all requirements. Documents confirming this have been compiled and are available at the Diocese of Manchester for your review.

By way of background, the individuals listed as Active with no entity affiliation or minors listed as Active were added to the Database before April 30, 2006. Thus, as you may know, their names were imported into the current Database during a data transfer that occurred on April 30, 2006. A person may be listed in the Database with no entity affiliation for a variety of reasons, the most common being: (1) the person does not work at a Diocesan entity (prior to April 30, 2006, the Safe Environment Database did not have a category of "Non-Diocesan"); (2) the person completed one or more Safe Environment requirements, such as a Criminal Records Check or *Protecting God's Children* ("PGC") training, and did not indicate an entity affiliation; or (3) the person was formerly affiliated with a Diocesan entity that no longer exists.

Names having no entity affiliation were not checked against the Sex Offender Registry during the spring of 2007 because their names were not extracted from the Database when the list of names was printed. The individuals who are listed as Active but who are minors were checked against the Sex Offender Registry because they were affiliated with an entity. There is a date listed in our Database for these checks; however, minors are not required to complete the Safe Environment screening or training.

1261310.2

Preti Flaherty Beliveau & Pachios PLLP Attorneys at Law

57 North Main Street | Concord, NH 03301 | TEL 603.410.1500 | FAX 603.410.1501 | Mailing address: P.O. Box 1318 | Concord, NH 03302-1318

PRETI FLAHERTY
Bryan O'Connell/KPMG
RE: **Diocese of Manchester**
Page 2
September 14, 2007

Prior to your review of the documents, the following is intended to provide you with correct information regarding each individual. I have included a description in italics as to what action has been taken to update the database. Consistent with how KPMG referenced the individuals (by number), I have done the same due to privacy concerns. A list of the names is available for your review.

#3208 -- She attended PGC training on April 30, 2002. The attendance list is available for review. She signed in, stating that she was involved in religious education at the parish of the Resurrection in Nashua. She is listed in Safe Environment Database with no entity affiliation. On September 10, 2007, [REDACTED] who is a secretary and Safe Environment coordinator assistant at the parish, confirmed that she is not a volunteer there.

This person is inactive and will be moved to inactive status.

#4846 -- He attended PGC training on November 16, 2002 as a teacher at St. Theresa Parish, Manchester. The attendance list is available for review. This parish closed in 2004. He is listed as active with no entity affiliation.

This person will be moved to inactive status.

#4847 -- She attended PGC training on November 16, 2002 as a teacher at St. Theresa Parish, Manchester. The attendance list is available for review. This parish closed in 2004. She is listed as active with no entity affiliation.

This person will be moved to inactive status.

#4848 -- She attended PGC training on November 16, 2002 as a teacher at St. Theresa Parish, Manchester. The attendance list is available for review. This parish closed in 2004. She is listed as active with no entity affiliation.

This person will be moved to inactive status.

#5160 -- This person is listed two times on KPMG non-compliant list. She attended PGC training on April 30, 2002. The attendance list is available for review. She listed her Parish as "Other." She is listed in the Database with no entity affiliation. To the best of our knowledge, she has never worked in a position with minors. She previously worked at the Keene Christian Formation Center (now known as the Faith Formation Center) and is now working in Massachusetts.

This person will be moved to Non-Diocesan, inactive status.

#5473 -- There are duplicate entries for this person in the Database, and one entry had no entity affiliation. He attended PGC training and underwent a Criminal Record Check. The attendance

PRETI FLAHERTY
Bryan O'Connell/KPMG
RE: **Diocese of Manchester**
Page 3
September 14, 2007

list and criminal records check are available for review. This person is a Non-Diocesan Volunteer and is not required to complete Safe Environment requirements. He is or was a coach at St. George Church, which is a Greek Orthodox Church.

This person will be moved to Non-Diocesan, inactive status. The duplicate entry will be deleted.

#5716 -- This is a typographical error and a duplicate incorrectly spelled name. The name listed in the database completed training on February 29, 2004, but has no entity affiliation. Upon review of the training attendance list, we have determined that the initial data entry resulted in an incorrect name spelling. The individual was listed in the database as an active volunteer at St. Denis parish in Hanover. Upon contacting the parish, we were informed that she is now inactive and her status was changed.

The database entry for the incorrect name will be deleted, as the person does not exist.

#6485 -- She attended PGC training on August 4, 2004 at St. Joseph Parish in Epping, listing herself as a religious education volunteer. The attendance list is available for review. This person is listed in the database without an entity affiliation. On September 11, 2007, [REDACTED] at St. Joseph Parish advised that she no longer lives in New Hampshire.

This person will be moved to inactive status.

#10084 -- He attended PGC training on September 16, 2004 as a volunteer from St. Frederick Church, Kingston. A criminal record check was completed on October 14, 2004. St. Frederick Mission Church closed in 2005. The attendance list and criminal records check are available for review. This person is listed in the database with no entity affiliation. On September 11, 2007, [REDACTED] Safe Environment Coordinator at St. Luke the Evangelist, confirmed that he is a former teen volunteer but is no longer actively volunteering at the parish.

This person will be moved to inactive status.

#10314 -- She attended PGC training on September 28, 2004 as a representative of Villa Augustina School. The attendance list is available for review. Villa Augustina is a non-diocesan school and its staff and volunteers are not required to complete the safe environment requirements. She is entered into the database with no entity affiliation. She should be listed as having a Non-Diocesan affiliation.

This person will be moved to Non-Diocesan, inactive status.

#10349 -- She attended PGC training on September 28, 2004 as a representative of Villa Augustina School. The attendance list is available for review. Villa Augustina is a Non-Diocesan school and its staff and volunteers are not required to complete the safe environment

PRETI FLAHERTY
Bryan O'Connell/KPMG
RE: **Diocese of Manchester**
Page 4
September 14, 2007

requirements. She is entered into the database with no entity affiliation. She should be listed as having a Non-Diocesan affiliation.

This person will be moved to Non-Diocesan, inactive status.

#14376 -- This person is listed in the database with no entity affiliation. She attended PGC training on October 21, 2004, and the attendance sheet indicates that she was a volunteer at St. John Parish. The attendance list is available for review. She is currently inactive per the Safe Environment Coordinator, [REDACTED] [REDACTED] has worked at the parish for several years as the DRE and does not know this person.

This person will be moved to inactive status.

#14876 -- This person is a childcare employee at St. Marie Parish Child Care Center. She is a minor and is not required to undergo the safe environment requirements. However, she attended PGC training on June 4, 2006 and was checked on the Sex Offender Registry on March 29, 2007. The attendance list and Sex Offender Registry check are available for review.

This is a minor who is not required to meet safe environment requirements.

#15406 -- She attended PGC training on November 3, 2004. The attendance list is available for review. She is listed as having an affiliation with St. Joseph Parish, Dover, and St. Mary Academy, Dover, but was listed in the database without an entity affiliation. On September 10, 2007, [REDACTED] Principal of St. Mary Academy, advised that this person is not a volunteer at the school. On the same date, [REDACTED] pastor of St. Joseph Parish in Dover, stated that she is not a volunteer at the Parish.

This person will be moved to inactive status.

#16617 -- She is listed in the database with a PGC training date of September 21, 2004, but there is no entity affiliation listed. Upon review of the training attendance sheet, it was noted that she indicated that she was a volunteer at St. John the Evangelist parish in Concord. The attendance list is available for review. She should be affiliated with St. John the Evangelist parish; however, she is inactive per the parish Safe Environment Coordinator, [REDACTED]

This person will be affiliated with St. John the Evangelist Parish and moved to inactive status.

#16628-- She attended PGC training on September 21, 2004 and indicated that she was a volunteer at St. John the Evangelist Parish in Concord. She was listed in the database with no entity affiliation. On September 10, 2007, [REDACTED] Safe Environment Coordinator at the Parish, stated that she has volunteered in the past, but was inactive last year. She will be volunteering as a religious education teacher this year. She has completed all required screening and training. Because she was inactive last year, there was not a recently completed Sex

PRETI FLAHERTY
Bryan O'Connell/KPMG
RE: **Diocese of Manchester**
Page 5
September 14, 2007

Offender Registry Check; however, one was conducted on September 10, 2007. All screening and training verification documents are available for review.

This person will actively work with minors this fall. She has completed all safe environment requirements and is now listed as "active" in the database (with an affiliation to St. John the Evangelist Parish).

#17389 -- She is listed in the database as a liturgical minister with no entity affiliation. Liturgical ministers are not required to complete safe environment requirements, as they do not work with minors. Those in similar positions are listed as "inactive" in the database. However, as she does not have an entity affiliation, it appears that there was an oversight and she was not moved to inactive status. On September 10, 2007, [REDACTED], the secretary at Corpus Christi Parish in Portsmouth, checked her status to determine whether she was a volunteer at the parish. It has been confirmed that she is a former volunteer/employee at the parish but has not worked or volunteered at the parish for approximately two years.

This person will be moved to inactive status.

#19205 -- This is a duplicate entry with a typographical error on the last name. This entry had no entity affiliation. The attendance list is available for review. She is listed as currently inactive, but is affiliated with an entity and has completed all safe environment requirements.

The database entry for this individual will be deleted, as this person does not exist.

#19403 -- This person is listed in the database as having attended PGC training on May 25, 2005, but with no entity affiliation. It is indicated that he is a Eucharistic Minister at the Dartmouth-Hitchcock Medical Center in Hanover, in the chaplaincy office. The attendance list is available for review. He is entered into the database as a "chaplain" and this is incorrect. His sign-in indicates that he does not work with minors. Additionally, the Dartmouth-Hitchcock medical Center is a Non-Diocesan facility. This person should be listed as inactive and is not required to complete any of the safe environment requirements.

This person will be moved to Non-Diocesan, inactive status.

#22039 -- This person is listed in the database as parish staff but with no entity affiliation. The database indicates that this person completed a Criminal Records Check on November 30, 2005. We do not have a copy of the Criminal Records Check. It is possible that it was completed through a school, and was therefore destroyed according to the law. On September 11, 2007, an e-mail was sent to all entities asking if she is active at any parish, school, or camp. No information was received that indicates she is an active volunteer.

This person will be moved to inactive status.

PRETI FLAHERTY
Bryan O'Connell/KPMG
RE: **Diocese of Manchester**
Page 6
September 14, 2007

#23290 -- She attended PGC training at St. Martin Parish in Somersworth on February 22, 2006 and signed in as a committee volunteer. She listed her parish as St. Mary Parish. There are several St. Mary parishes in the area and it is unclear where she was volunteering. She is listed in the database with no entity affiliation. On September 11, 2007, an e-mail was sent to all parishes, schools, and camps, inquiring if this person is known to anyone. No information was received that indicates she is an active volunteer.

This person will be moved to inactive status.

The individuals listed below (except #28245) are minors. As stated earlier, minors are not required to undergo the safe environment requirements. However, sex offender registry checks were conducted for all of them since they were in the Active category of the safe environment database. These documents are available for review.

#26305

#28229 (She has since turned 18, but is no longer active at the parish per SEC [REDACTED])

#28230

#28231

#28232

#28233

#28234

#28235

#28236

#28237

#28238

#28239

#28240

#28242

#28243 (She has since turned 18, but is no longer active at the parish per SEC [REDACTED])

#28244

#28245 -- This person is listed in the database as an active volunteer at St. Mary Parish in Hillsboro. Upon contacting the parish on September 11, 2007, it was learned that he is now inactive. However, he has completed all safe environment requirements. All screening and training verification documents are available for review.

This person is listed as active and as having completed all safe environment requirements. He is currently inactive and his status will be changed.

#28246

#28247

#28248

#28249

PRETI FLAHERTY
Bryan O'Connell/KPMG
RE: **Diocese of Manchester**
Page 7
September 14, 2007

#28250
#28251
#28252
#28253
#28254
#28255
#28256
#28257
#28258
#28259
#28260
#28261
#28262

Finally, during KPMG's interview of Mary Ellen D'Intino on August 31, 2007, a printout listed an individual who allegedly did not have certain requirements completed. Ms. D'Intino followed up on the status of this individual and has determined that he was listed in the database as pending at St. Elizabeth Seton School. He has since been moved to inactive status due to the fact that he is not a current volunteer at the School. Nevertheless, the Diocese did conduct a Sex Offender Registry check on the volunteer on May 2, 2007. This check should have been reflected in the database but it was not. The database has since been updated. This documentation is available for your review. [REDACTED] the Safe Environment Coordinator for St. Elizabeth Seton School, has a note on file indicating that she obtained the criminal form and sent it for processing. However, the Diocese is unable to locate verification that a criminal check was completed. Due to the fact that he is no longer a volunteer, a criminal records check will not be performed. If he intends to volunteer in the future, it has been noted that he must complete a criminal records check.

Thank you for providing the list to the Diocese so that the database could be updated. Please let me know if you have any questions.

Very truly yours,



Brian M. Quirk

EXHIBIT D

DRAFT

**NEW HAMPSHIRE
ATTORNEY GENERAL OFFICE
DIOCESE OF MANCHESTER
SURVEY**

Prepared by:

Tracy A. Fowler, M.A.
Andrew E. Smith, Ph.D.

The Survey Center
University of New Hampshire

September 2007

The University of New Hampshire

Survey Center

The UNH Survey Center is an independent, non-partisan academic survey research organization and a division of the UNH Carsey Institute.

The Survey Center conducts telephone, mail, e-mail, Internet, and intercept surveys, as well as focus groups and other qualitative research for university researchers, government agencies, public non-profit organizations, private businesses, and media clients.

Our senior staff have over 40 years experience in designing and conducting custom research on a broad range of political, social, health care, and other public policy issues.

Dr. Andrew E. Smith, Director
UNH Survey Center
Thompson Hall
Durham, New Hampshire 03824
603/862-2226 (voice)
603/862-1488 (FAX)
Andrew.Smith@unh.edu

Table of Contents

Technical Report.....T - 1

Appendix A:

Detailed Tabular Results A - 1

Appendix B:

Questionnaire B - 1

TECHNICAL REPORT

How the Sample Was Selected

The September, 2007 Catholic diocese survey was a survey of randomly selected actively participating Catholics in the state of New Hampshire. This survey was conducted using a procedure called Random Digit Dialing (RDD) which is described below.

A sample of households in the area was selected by a procedure known as random digit dialing. The way this works is as follows. First, with the aid of the computer, one of the three-digit telephone exchanges that are currently used in the area (e.g., 772) is randomly selected. The computer then randomly selects one of the "working blocks"--the first two of the last four numbers in a telephone number (e.g., 64)--and attaches it to the randomly selected exchange. Finally, the computer program then generates a two-digit random number between 00 and 99 (e.g., 57) which is attached to the previously selected prefix (772), and the previously selected working block (64) resulting in a complete telephone number -- i.e., 772-6457. This procedure is then repeated numerous times by the computer to generate more random numbers, so that we have a sufficient quantity to conduct the survey. The end result is that each household in the area in which there is a telephone has an equally likely chance of being selected into the sample.

The random sample used in the Catholic diocese survey was purchased from Scientific Telephones Samples (STS), Foothill Ranch, California. STS screens each selected telephone number to eliminate non-working numbers, disconnected numbers, and business numbers to improve the efficiency of the sample, reducing the amount of time interviewers spend calling non-usable numbers.

Each of these randomly generated telephone numbers is called by one of our interviewers from a centrally supervised facility at the UNH Survey Center. If the number called is found not to be a residential one, it is discarded and another random number is called.

When the Interviewing Was Done

New Hampshire adults in the Diocese of Manchester survey were interviewed between August 1 and September 13, 2007. Each selected respondent was called by a professional UNH Survey Center interviewer from a centrally supervised facility at the UNH Survey Center. Telephone calls during the field period were made between 9:00 AM and 9:00 PM.

Response Rates

Interviews were completed with 477 randomly selected Catholics in New Hampshire from a sample of 17,427 randomly selected telephone numbers. Using American Association for Public Opinion (AAPOR) Response Rate 4, the response rate for the Diocese of Manchester survey was 12 percent. The formula to calculate standard AAPOR response rate is:

$$\frac{I}{((I+P) + (R+NC+O) + e(UH+UO))}$$

I=Complete Interviews, **P**=Partial Interviews, **R**=Refusal and break off, **NC**=Non Contact, **O**=Other, **e**=estimated portion of cases of unknown eligibility that are eligible, **UH**=Unknown household, **UO**=Unknown other.

Sampling Error

The Diocese of Manchester survey, like all surveys, is subject to sampling error due to the fact that all residents in the area were not interviewed. For those questions asked of four hundred (400) or so respondents, the error is +/-4.9%. For those questions where fewer than 400 persons responded, the sampling error can be calculated as follows:

$$\text{Sampling error} = \pm (1.96) \sqrt{\frac{P(1-P)}{N}}$$

Where **P** is the percentage of responses in the answer category being evaluated and **N** is the total number of persons answering the particular question.

For example, suppose you had the following distribution of answers to the question, "Should the state spend more money on road repair even if that means higher taxes?" Assume 1,000 respondents answered the question as follows:

YES	- 47%
NO	- 48%
DON'T KNOW	- 5%

The sampling error for the "YES" percentage of 47% would be

$$\pm(1.96) \sqrt{\frac{(47)(53)}{1,000}} = \pm 3.1\%;$$

for the "NO" percentage of 48% it would be

$$\pm(1.96) \sqrt{\frac{(48)(52)}{1,000}} = \pm 3.1\%;$$

and for the "DON'T KNOW" percentage of 5% it would be

$$\pm(1.96) \sqrt{\frac{(5)(95)}{1,000}} = \pm 1.4\%;$$

In this case we would expect the true population figures to be within the following ranges:

YES	43.9% - 50.1% (i.e., 47% +/-3.1%)
NO	44.9% - 51.1% (i.e., 48% +/-3.1%)
DON'T KNOW	3.6% - 6.4% (i.e., 5% +/-1.4%)

APPENDIX A:
DETAILED TABULAR RESULTS

Q2: How familiar are you with the Manchester Diocese's Policy on preventing, responding to, and reporting sexual abuse of minors called 'The Diocese of Manchester Code & Policy: Serving Christ, Serving Others Code of Ministerial Conduct, and the Promise to Protect, Pledge to Heal Policy for the Protection of Children and Young People'?

	Very Familiar	Generally Familiar	Somewhat Familiar	Slightly Familiar	Not at all Familiar	Don't Know	Number Responding
Diocese of Manchester	18%	23%	19%	14%	26%	0%	504
Sex							
Male	18%	20%	20%	16%	25%	0%	171
Female	18%	25%	18%	13%	26%	0%	333
Years Lived in NH							
Less than 10 years	15%	26%	19%	15%	25%	0%	53
10 to 20 years	14%	28%	16%	14%	28%	0%	76
More than 20 years	19%	22%	19%	14%	26%	0%	375
Children							
Yes	20%	23%	19%	14%	24%	0%	399
No	11%	23%	18%	14%	33%	1%	104

Q3a: Please tell me about the communications and/or training you receive on Diocesan policies and procedures on preventing, responding to, and reporting sexual abuse of minors.

How regularly are communications and training you receive on Diocesan policies and procedures on preventing, responding to, and reporting sexual abuse of minors provided to you?

	Often	Sometimes	Rarely	Never	Don't Know	Number Responding
Diocese of Manchester	14%	23%	21%	39%	2%	499
Sex						
Male	13%	20%	26%	38%	2%	169
Female	15%	25%	19%	40%	1%	330
Years Lived in NH						
Less than 10 years	19%	21%	13%	45%	2%	53
10 to 20 years	13%	25%	25%	35%	1%	75
More than 20 years	13%	23%	22%	40%	2%	371
Children						
Yes	15%	24%	23%	37%	1%	397
No	11%	22%	16%	48%	4%	101

Q3b: Please tell me about the communications and/or training you receive on Diocesan policies and procedures on preventing, responding to, and reporting sexual abuse of minors.

Are communications and training clear and easy for you to understand?

	Often	Sometimes	Rarely	Never	Don't Know	Number Responding
Diocese of Manchester	45%	15%	7%	28%	5%	474
Sex						
Male	44%	12%	9%	28%	6%	158
Female	45%	17%	5%	28%	5%	316
Years Lived in NH						
Less than 10 years	41%	12%	8%	29%	10%	51
10 to 20 years	46%	21%	6%	18%	8%	71
More than 20 years	45%	15%	7%	30%	4%	352
Children						
Yes	45%	16%	7%	28%	5%	380
No	45%	14%	6%	28%	6%	93

Q3c: Please tell me about the communications and/or training you receive on Diocesan policies and procedures on preventing, responding to, and reporting sexual abuse of minors.

Are communications and training sufficiently comprehensive such that they are effective in guiding your decisions and behaviors?

	Often	Sometimes	Rarely	Never	Don't Know	Number Responding
Diocese of Manchester	40%	11%	12%	30%	7%	467
Sex						
Male	38%	8%	12%	33%	8%	156
Female	41%	12%	11%	28%	7%	311
Years Lived in NH						
Less than 10 years	39%	10%	10%	31%	10%	49
10 to 20 years	42%	13%	9%	25%	10%	67
More than 20 years	40%	10%	12%	31%	7%	351
Children						
Yes	40%	11%	12%	29%	8%	373
No	40%	10%	12%	32%	6%	93

Q4a: Now I'm going to read to you some statements about Diocesan personnel. For each one, please tell me whether you agree or disagree with the statement.

"Diocesan personnel set the right 'tone' on the importance of protecting children from sexual abuse."

	Strongly Agree	Agree Somewhat	Unsure/No Opinion	Disagree Somewhat	Strongly Disagree	Don't Know	Number Responding
Diocese of Manchester	37%	33%	9%	8%	11%	3%	503
Sex							
Male	33%	30%	12%	9%	15%	2%	171
Female	39%	34%	7%	8%	9%	3%	332
Years Lived in NH							
Less than 10 years	45%	30%	8%	6%	8%	4%	53
10 to 20 years	42%	37%	9%	5%	7%	0%	76
More than 20 years	35%	32%	9%	9%	12%	3%	374
Children							
Yes	37%	33%	8%	8%	12%	3%	399
No	39%	31%	12%	9%	8%	2%	103

Q4b: Now I'm going to read to you some statements about Diocesan personnel. For each one, please tell me whether you agree or disagree with the statement.

"Diocesan personnel are approachable with questions or reports of allegations of sexual abuse of children."

	Strongly Agree	Agree Somewhat	Unsure/No Opinion	Disagree Somewhat	Strongly Disagree	Don't Know	Number Responding
Diocese of Manchester	35%	27%	20%	7%	7%	4%	496
Sex							
Male	34%	27%	20%	8%	8%	4%	169
Female	36%	27%	20%	6%	7%	4%	327
Years Lived in NH							
Less than 10 years	37%	29%	17%	6%	10%	2%	52
10 to 20 years	41%	24%	22%	4%	5%	4%	76
More than 20 years	34%	27%	20%	8%	7%	5%	368
Children							
Yes	35%	26%	21%	7%	7%	4%	393
No	35%	27%	19%	7%	8%	4%	102

Q4c: Now I'm going to read to you some statements about Diocesan personnel. For each one, please tell me whether you agree or disagree with the statement.

"Diocesan personnel would respond appropriately if they became aware of an allegation of sexual abuse of children."

	Strongly Agree	Agree Somewhat	Unsure/No Opinion	Disagree Somewhat	Strongly Disagree	Don't Know	Number Responding
Diocese of Manchester	45%	27%	11%	6%	7%	3%	502
Sex							
Male	44%	29%	11%	8%	6%	2%	171
Female	46%	26%	11%	5%	8%	4%	331
Years Lived in NH							
Less than 10 years	45%	34%	9%	2%	4%	6%	53
10 to 20 years	50%	32%	7%	5%	4%	3%	76
More than 20 years	44%	25%	13%	6%	9%	3%	373
Children							
Yes	44%	27%	12%	6%	8%	4%	398
No	47%	29%	9%	7%	7%	2%	103

Q5a: Please tell me if you agree or disagree with the following statements about WHAT YOU WOULD DO if you observed or had first-hand knowledge of a minor being sexually abused.

"I would try to resolve the matter myself."

	Strongly Agree	Agree Somewhat	Unsure/No Opinion	Disagree Somewhat	Strongly Disagree	Don't Know	Number Responding
Diocese of Manchester	12%	6%	4%	13%	65%	1%	503
Sex							
Male	14%	9%	4%	14%	58%	1%	170
Female	10%	4%	5%	12%	68%	1%	333
Years Lived in NH							
Less than 10 years	11%	2%	2%	26%	57%	2%	53
10 to 20 years	13%	5%	4%	11%	67%	0%	75
More than 20 years	11%	6%	5%	11%	66%	1%	375
Children							
Yes	11%	6%	4%	13%	66%	1%	398
No	15%	4%	6%	13%	62%	1%	104

Q5b: Please tell me if you agree or disagree with the following statements about WHAT YOU WOULD DO if you observed or had first-hand knowledge of a minor being sexually abused.

"I would notify senior Diocesan clergy such as bishops or deacons."

	Strongly Agree	Agree Somewhat	Unsure/No Opinion	Disagree Somewhat	Strongly Disagree	Don't Know	Number Responding
Diocese of Manchester	57%	13%	3%	8%	18%	1%	502
Sex							
Male	57%	12%	1%	9%	22%	0%	170
Female	58%	13%	4%	8%	17%	1%	332
Years Lived in NH							
Less than 10 years	60%	17%	2%	4%	15%	2%	52
10 to 20 years	56%	15%	1%	12%	16%	0%	75
More than 20 years	57%	12%	3%	8%	19%	1%	375
Children							
Yes	57%	12%	2%	9%	19%	1%	397
No	58%	14%	4%	8%	15%	1%	104

Q5c: Please tell me if you agree or disagree with the following statements about WHAT YOU WOULD DO if you observed or had first-hand knowledge of a minor being sexually abused.

"I would notify my local law enforcement office or the New Hampshire Division for Children, Youth and Families."

	Strongly Agree	Agree Somewhat	Unsure/No Opinion	Disagree Somewhat	Strongly Disagree	Don't Know	Number Responding
Diocese of Manchester	88%	7%	2%	1%	1%	1%	501
Sex							
Male	87%	8%	2%	1%	2%	1%	169
Female	89%	7%	2%	1%	1%	1%	332
Years Lived in NH							
Less than 10 years	85%	13%	0%	0%	0%	2%	52
10 to 20 years	88%	8%	0%	4%	0%	0%	74
More than 20 years	89%	6%	3%	1%	1%	1%	375
Children							
Yes	89%	7%	2%	1%	1%	1%	396
No	86%	9%	2%	1%	2%	1%	104

Q5d: Please tell me if you agree or disagree with the following statements about WHAT YOU WOULD DO if you observed or had first-hand knowledge of a minor being sexually abused.

"I would notify other Diocesan personnel such as the Office for Ministerial Conduct or the Office for Healing and Pastoral Care."

	Strongly Agree	Agree Somewhat	Unsure/No Opinion	Disagree Somewhat	Strongly Disagree	Don't Know	Number Responding
Diocese of Manchester	49%	17%	9%	8%	17%	1%	500
Sex							
Male	47%	14%	12%	9%	18%	1%	170
Female	50%	18%	7%	8%	17%	1%	330
Years Lived in NH							
Less than 10 years	54%	12%	15%	10%	8%	2%	52
10 to 20 years	50%	27%	4%	8%	11%	0%	74
More than 20 years	48%	15%	9%	8%	20%	1%	374
Children							
Yes	49%	17%	7%	9%	17%	1%	395
No	46%	16%	16%	5%	15%	1%	104

Q5e: Please tell me if you agree or disagree with the following statements about WHAT YOU WOULD DO if you observed or had first-hand knowledge of a minor being sexually abused.

"I would notify a member of my parish such as my parish priest, parish personnel, another parishioner, or the Safe Environment Council Coordinator."

	Strongly Agree	Agree Somewhat	Unsure/No Opinion	Disagree Somewhat	Strongly Disagree	Don't Know	Number Responding
Diocese of Manchester	64%	17%	4%	3%	11%	1%	499
Sex							
Male	58%	19%	6%	5%	11%	1%	170
Female	67%	15%	3%	2%	12%	1%	329
Years Lived in NH							
Less than 10 years	67%	16%	2%	8%	6%	2%	51
10 to 20 years	64%	26%	0%	3%	8%	0%	74
More than 20 years	64%	15%	5%	3%	13%	1%	374
Children							
Yes	66%	17%	3%	3%	11%	1%	395
No	57%	17%	7%	5%	14%	1%	103

Q5f: Please tell me if you agree or disagree with the following statements about WHAT YOU WOULD DO if you observed or had first-hand knowledge of a minor being sexually abused.

"I would look the other way or do nothing."

	Strongly Agree	Agree Somewhat	Unsure/No Opinion	Disagree Somewhat	Strongly Disagree	Don't Know	Number Responding
Diocese of Manchester	2%	0%	1%	1%	95%	1%	500
Sex							
Male	1%	1%	1%	2%	95%	1%	170
Female	2%	0%	1%	1%	95%	1%	330
Years Lived in NH							
Less than 10 years	2%	0%	2%	0%	94%	2%	51
10 to 20 years	1%	0%	0%	0%	96%	3%	75
More than 20 years	2%	1%	1%	1%	94%	1%	374
Children							
Yes	2%	1%	1%	1%	94%	1%	396
No	2%	0%	1%	0%	95%	2%	103

Q6a: Please tell me if you agree or disagree with the following statements about HOW YOU WOULD REPORT first-hand knowledge of a minor being sexually abused.

"I would report it to the local law enforcement office, or the New Hampshire Division of Children, Youth and Families."

	Strongly Agree	Agree Somewhat	Unsure/No Opinion	Disagree Somewhat	Strongly Disagree	Don't Know	Number Responding
Diocese of Manchester	90%	6%	2%	1%	1%	1%	496
Sex							
Male	87%	8%	1%	2%	2%	1%	169
Female	91%	5%	2%	1%	1%	1%	327
Years Lived in NH							
Less than 10 years	92%	6%	0%	0%	0%	2%	51
10 to 20 years	88%	8%	3%	0%	1%	0%	72
More than 20 years	90%	5%	2%	1%	1%	1%	373
Children							
Yes	91%	5%	2%	1%	1%	1%	392
No	83%	11%	2%	2%	2%	1%	103

Q6b: Please tell me if you agree or disagree with the following statements about HOW YOU WOULD REPORT first-hand knowledge of a minor being sexually abused.

"I would report it to senior Diocesan clergy such as bishops or deacons."

	Strongly Agree	Agree Somewhat	Unsure/No Opinion	Disagree Somewhat	Strongly Disagree	Don't Know	Number Responding
Diocese of Manchester	57%	14%	4%	6%	17%	1%	495
Sex							
Male	53%	17%	4%	8%	17%	1%	169
Female	60%	13%	4%	6%	17%	1%	326
Years Lived in NH							
Less than 10 years	55%	20%	6%	6%	12%	2%	51
10 to 20 years	54%	20%	4%	11%	11%	0%	71
More than 20 years	58%	13%	4%	6%	18%	1%	373
Children							
Yes	58%	15%	4%	7%	17%	1%	391
No	56%	14%	7%	6%	17%	1%	103

Q6c: Please tell me if you agree or disagree with the following statements about HOW YOU WOULD REPORT first-hand knowledge of a minor being sexually abused.

"I would report it to other Diocesan personnel, such as the Office for Ministerial Conduct, or the Office for Healing and Pastoral Care."

	Strongly Agree	Agree Somewhat	Unsure/No Opinion	Disagree Somewhat	Strongly Disagree	Don't Know	Number Responding
Diocese of Manchester	47%	18%	6%	9%	18%	1%	494
Sex							
Male	42%	17%	6%	13%	21%	1%	169
Female	49%	19%	6%	7%	17%	1%	325
Years Lived in NH							
Less than 10 years	47%	20%	6%	10%	14%	4%	51
10 to 20 years	48%	21%	6%	10%	15%	0%	71
More than 20 years	46%	17%	6%	9%	20%	1%	372
Children							
Yes	47%	18%	5%	10%	18%	1%	390
No	43%	19%	10%	7%	20%	1%	103

Q6d: Please tell me if you agree or disagree with the following statements about HOW YOU WOULD REPORT first-hand knowledge of a minor being sexually abused.

"I would report it to a member of my parish, such as my parish priest, parish personnel, another parishioner, or the Safe Environment Council Coordinator."

	Strongly Agree	Agree Somewhat	Unsure/No Opinion	Disagree Somewhat	Strongly Disagree	Don't Know	Number Responding
Diocese of Manchester	61%	16%	4%	4%	14%	1%	492
Sex							
Male	54%	18%	5%	5%	18%	1%	168
Female	64%	15%	4%	4%	12%	1%	324
Years Lived in NH							
Less than 10 years	51%	27%	4%	2%	14%	2%	51
10 to 20 years	66%	13%	3%	6%	13%	0%	70
More than 20 years	61%	15%	4%	4%	14%	1%	371
Children							
Yes	62%	15%	4%	4%	13%	1%	388
No	55%	18%	5%	3%	17%	1%	103

Q7a: Now think about what would happen if you reported to Diocesan personnel a violation of policies and procedures on preventing, responding to, and reporting sexual abuse of minors. Would you agree or disagree with the following?

"The proper authorities would be notified, such as law enforcement, or the New Hampshire Division for Children, Youth and Families, etc."

	Strongly Agree	Agree Somewhat	Unsure/No Opinion	Disagree Somewhat	Strongly Disagree	Don't Know	Number Responding
Diocese of Manchester	64%	18%	7%	4%	6%	3%	490
Sex							
Male	64%	16%	6%	4%	8%	1%	168
Female	64%	19%	7%	3%	4%	3%	322
Years Lived in NH							
Less than 10 years	63%	24%	4%	2%	6%	2%	51
10 to 20 years	66%	23%	4%	0%	6%	1%	71
More than 20 years	64%	16%	7%	5%	5%	3%	368
Children							
Yes	63%	19%	6%	4%	5%	3%	386
No	66%	15%	8%	4%	6%	2%	103

Q7b: Now think about what would happen if you reported to Diocesan personnel a violation of policies and procedures on preventing, responding to, and reporting sexual abuse of minors. Would you agree or disagree with the following?

"Those involved would be disciplined regardless of their rank or tenure."

	Strongly Agree	Agree Somewhat	Unsure/No Opinion	Disagree Somewhat	Strongly Disagree	Don't Know	Number Responding
Diocese of Manchester	59%	16%	9%	6%	9%	2%	490
Sex							
Male	60%	17%	5%	5%	12%	1%	168
Female	59%	16%	10%	6%	7%	2%	322
Years Lived in NH							
Less than 10 years	57%	22%	10%	0%	10%	2%	51
10 to 20 years	59%	23%	6%	1%	10%	1%	71
More than 20 years	60%	14%	9%	7%	8%	2%	368
Children							
Yes	59%	16%	9%	5%	10%	2%	387
No	60%	17%	8%	7%	6%	3%	102

Q7c: Now think about what would happen if you reported to Diocesan personnel a violation of policies and procedures on preventing, responding to, and reporting sexual abuse of minors. Would you agree or disagree with the following?

"My report would be handled confidentially and I would be protected from retaliation."

Responding

	Strongly Agree	Agree Somewhat	Unsure/No Opinion	Disagree Somewhat	Strongly Disagree	Don't Know	Number Responding
Diocese of Manchester	56%	21%	11%	4%	6%	2%	487
Sex							
Male	54%	19%	15%	4%	7%	2%	166
Female	58%	22%	9%	4%	5%	2%	321
Years Lived in NH							
Less than 10 years	43%	35%	12%	4%	4%	2%	51
10 to 20 years	57%	23%	7%	3%	10%	0%	70
More than 20 years	58%	19%	12%	4%	5%	2%	366
Children							
Yes	57%	22%	11%	3%	5%	2%	384
No	54%	19%	11%	6%	9%	2%	102

Q7d: Now think about what would happen if you reported to Diocesan personnel a violation of policies and procedures on preventing, responding to, and reporting sexual abuse of minors. Would you agree or disagree with the following?

"I would be satisfied with the outcome."

	Strongly Agree	Agree Somewhat	Unsure/No Opinion	Disagree Somewhat	Strongly Disagree	Don't Know	Number Responding
Diocese of Manchester	28%	25%	30%	6%	7%	5%	487
Sex							
Male	31%	24%	27%	5%	9%	4%	167
Female	27%	25%	32%	7%	5%	5%	320
Years Lived in NH							
Less than 10 years	24%	22%	34%	10%	6%	4%	50
10 to 20 years	30%	26%	23%	4%	9%	7%	69
More than 20 years	29%	25%	31%	6%	6%	4%	368
Children							
Yes	26%	26%	31%	6%	7%	5%	385
No	37%	20%	28%	7%	5%	4%	101

Q8a: Do you agree or disagree with the following proposals to strengthen Diocesan policies and procedures on preventing, responding to, and reporting sexual abuse of minors?

"It would strengthen Diocesan policies and procedures on preventing, responding to, and reporting sexual abuse of minors if there was a stronger level of commitment from Diocesan personnel to uphold the policies and procedures."

	Strongly Agree	Agree Somewhat	Unsure/No Opinion	Disagree Somewhat	Strongly Disagree	Don't Know	Number Responding
Diocese of Manchester	59%	24%	8%	4%	4%	2%	484
Sex							
Male	57%	26%	8%	2%	5%	1%	167
Female	60%	22%	9%	4%	3%	2%	317
Years Lived in NH							
Less than 10 years	52%	28%	10%	2%	6%	2%	50
10 to 20 years	60%	24%	7%	7%	0%	1%	70
More than 20 years	60%	23%	9%	3%	4%	2%	364
Children							
Yes	61%	24%	7%	4%	2%	1%	381
No	53%	22%	13%	2%	8%	3%	102

Q8b: Do you agree or disagree with the following proposals to strengthen Diocesan policies and procedures on preventing, responding to, and reporting sexual abuse of minors?

"It would strengthen Diocesan policies and procedures on preventing, responding to, and reporting sexual abuse of minors if you felt that the Diocese would support you if you raised issues or concerns."

	Strongly Agree	Agree Somewhat	Unsure/No Opinion	Disagree Somewhat	Strongly Disagree	Don't Know	Number Responding
Diocese of Manchester	59%	25%	6%	4%	4%	2%	483
Sex							
Male	58%	25%	5%	3%	7%	2%	167
Female	60%	25%	7%	4%	2%	2%	316
Years Lived in NH							
Less than 10 years	58%	24%	6%	4%	6%	2%	50
10 to 20 years	66%	21%	7%	6%	0%	0%	70
More than 20 years	58%	26%	6%	4%	4%	2%	363
Children							
Yes	59%	26%	6%	4%	3%	2%	380
No	60%	24%	8%	2%	5%	2%	102

Q8c: Do you agree or disagree with the following proposals to strengthen Diocesan policies and procedures on preventing, responding to, and reporting sexual abuse of minors?

"It would strengthen Diocesan policies and procedures on preventing, responding to, and reporting sexual abuse of minors if you knew your report would be taken seriously by Diocese personnel."

	Strongly Agree	Agree Somewhat	Unsure/No Opinion	Disagree Somewhat	Strongly Disagree	Don't Know	Number Responding
Diocese of Manchester	74%	17%	4%	1%	2%	1%	481
Sex							
Male	73%	16%	5%	1%	4%	1%	166
Female	74%	18%	3%	2%	1%	2%	315
Years Lived in NH							
Less than 10 years	70%	18%	6%	0%	4%	2%	50
10 to 20 years	83%	14%	3%	0%	0%	0%	69
More than 20 years	73%	18%	4%	2%	2%	2%	362
Children							
Yes	74%	18%	4%	2%	1%	1%	379
No	73%	14%	4%	1%	6%	2%	101

Q8d: Do you agree or disagree with the following proposals to strengthen Diocesan policies and procedures on preventing, responding to, and reporting sexual abuse of minors?

"It would strengthen Diocesan policies and procedures on preventing, responding to, and reporting sexual abuse of minors if you received communication and training on policies and standards more often."

	Strongly Agree	Agree Somewhat	Unsure/No Opinion	Disagree Somewhat	Strongly Disagree	Don't Know	Number Responding
Diocese of Manchester	49%	25%	8%	9%	6%	2%	483
Sex							
Male	41%	29%	9%	10%	8%	3%	167
Female	53%	23%	8%	8%	5%	2%	316
Years Lived in NH							
Less than 10 years	46%	26%	8%	8%	8%	4%	50
10 to 20 years	59%	23%	6%	9%	3%	1%	70
More than 20 years	47%	26%	9%	9%	6%	2%	363
Children							
Yes	48%	27%	8%	9%	6%	3%	380
No	52%	21%	11%	10%	5%	2%	102

Q9a: Do you agree or disagree with the following statements about Diocesan personnel?

“Diocesan personnel share a high commitment to preventing child sexual abuse.”

	Strongly Agree	Agree Somewhat	Unsure/No Opinion	Disagree Somewhat	Strongly Disagree	Don't Know	Number Responding
Diocese of Manchester	47%	31%	5%	8%	7%	2%	481
Sex							
Male	46%	25%	5%	13%	8%	1%	165
Female	48%	33%	5%	5%	7%	2%	316
Years Lived in NH							
Less than 10 years	44%	24%	6%	6%	16%	4%	50
10 to 20 years	56%	31%	1%	4%	7%	0%	70
More than 20 years	46%	31%	6%	9%	6%	2%	361
Children							
Yes	47%	29%	6%	8%	8%	1%	380
No	46%	36%	2%	8%	5%	3%	100

Q9b: Do you agree or disagree with the following statements about Diocesan personnel?

“Diocesan personnel feel comfortable asking questions and raising concerns.”

	Strongly Agree	Agree Somewhat	Unsure/No Opinion	Disagree Somewhat	Strongly Disagree	Don't Know	Number Responding
Diocese of Manchester	35%	33%	15%	7%	7%	2%	482
Sex							
Male	37%	28%	14%	10%	8%	3%	166
Female	34%	35%	16%	6%	7%	2%	316
Years Lived in NH							
Less than 10 years	38%	20%	18%	8%	12%	4%	50
10 to 20 years	41%	34%	10%	6%	7%	1%	70
More than 20 years	33%	34%	15%	7%	7%	2%	362
Children							
Yes	35%	32%	16%	8%	8%	2%	380
No	36%	38%	12%	5%	6%	4%	101

Q9c: Do you agree or disagree with the following statements about Diocesan personnel?

“Diocesan personnel model their decisions and behaviors on Diocesan policies and procedures.”

	Strongly Agree	Agree Somewhat	Unsure/No Opinion	Disagree Somewhat	Strongly Disagree	Don't Know	Number Responding
Diocese of Manchester	34%	38%	13%	6%	6%	3%	482
Sex							
Male	37%	40%	10%	5%	5%	2%	166
Female	32%	37%	15%	6%	6%	4%	316
Years Lived in NH							
Less than 10 years	22%	46%	12%	10%	4%	6%	50
10 to 20 years	36%	43%	11%	3%	4%	3%	70
More than 20 years	35%	36%	14%	6%	7%	3%	362
Children							
Yes	33%	39%	13%	6%	6%	3%	380
No	36%	36%	16%	5%	5%	3%	101

Q9d: Do you agree or disagree with the following statements about Diocesan personnel?

"The opportunity to engage in child sexual abuse is minimal."

	Strongly Agree	Agree Somewhat	Unsure/No Opinion	Disagree Somewhat	Strongly Disagree	Don't Know	Number Responding
Diocese of Manchester	22%	20%	16%	15%	21%	6%	481
Sex							
Male	22%	18%	16%	13%	21%	9%	164
Female	22%	20%	15%	16%	21%	5%	317
Years Lived in NH							
Less than 10 years	28%	20%	16%	16%	10%	10%	50
10 to 20 years	28%	13%	13%	23%	19%	4%	69
More than 20 years	20%	21%	16%	14%	23%	6%	362
Children							
Yes	24%	19%	14%	16%	22%	6%	380
No	13%	23%	22%	14%	21%	7%	100

Q9e: Do you agree or disagree with the following statements about Diocesan personnel?

"The ability to conceal child sexual abuse is minimal."

	Strongly Agree	Agree Somewhat	Unsure/No Opinion	Disagree Somewhat	Strongly Disagree	Don't Know	Number Responding
Diocese of Manchester	18%	19%	13%	19%	27%	4%	481
Sex							
Male	21%	15%	11%	20%	29%	4%	164
Female	16%	21%	14%	19%	26%	4%	317
Years Lived in NH							
Less than 10 years	20%	20%	18%	14%	22%	6%	50
10 to 20 years	20%	17%	4%	30%	23%	4%	69
More than 20 years	17%	19%	14%	18%	28%	4%	362
Children							
Yes	19%	20%	12%	19%	26%	4%	380
No	14%	16%	14%	22%	29%	5%	100

Q9f: Do you agree or disagree with the following statements about Diocesan personnel?

"The willingness to tolerate child sexual abuse is minimal."

	Strongly Agree	Agree Somewhat	Unsure/No Opinion	Disagree Somewhat	Strongly Disagree	Don't Know	Number Responding
Diocese of Manchester	30%	19%	9%	13%	26%	4%	480
Sex							
Male	29%	18%	6%	16%	28%	3%	163
Female	30%	19%	11%	11%	25%	4%	317
Years Lived in NH							
Less than 10 years	34%	12%	8%	10%	26%	10%	50
10 to 20 years	32%	28%	7%	10%	22%	1%	69
More than 20 years	29%	18%	10%	13%	27%	3%	361
Children							
Yes	31%	19%	9%	12%	26%	3%	379
No	25%	19%	11%	13%	28%	4%	100

Q9g: Do you agree or disagree with the following statements about Diocesan personnel?

"Adequate background checks are carried out to ensure that individuals prone to engage in child sexual abuse are not hired."

	Strongly Agree	Agree Somewhat	Unsure/No Opinion	Disagree Somewhat	Strongly Disagree	Don't Know	Number Responding
Diocese of Manchester	36%	20%	17%	12%	9%	6%	478
Sex							
Male	32%	24%	15%	13%	9%	6%	164
Female	38%	18%	18%	11%	9%	5%	314
Years Lived in NH							
Less than 10 years	38%	16%	18%	12%	4%	12%	50
10 to 20 years	35%	16%	16%	19%	7%	6%	68
More than 20 years	36%	22%	17%	11%	10%	5%	360
Children							
Yes	35%	21%	16%	12%	10%	5%	377
No	38%	17%	19%	12%	7%	7%	100

Q10a: Do you agree or disagree that the following individuals are fully committed to upholding Diocesan policies and procedures on preventing, responding to, and reporting sexual abuse of minors?

"First, senior Diocesan clergy, including the Bishop and the Delegate for the Office for Ministerial Conduct are fully committed to upholding Diocesan policies and procedures on preventing, responding to, and reporting sexual abuse of minors."

	Strongly Agree	Agree Somewhat	Unsure/No Opinion	Disagree Somewhat	Strongly Disagree	Don't Know	Number Responding
Diocese of Manchester	39%	28%	8%	10%	12%	3%	471
Sex							
Male	43%	23%	5%	11%	14%	4%	159
Female	37%	31%	10%	9%	11%	3%	312
Years Lived in NH							
Less than 10 years	34%	23%	13%	9%	13%	9%	47
10 to 20 years	41%	30%	10%	10%	7%	1%	69
More than 20 years	39%	28%	7%	10%	13%	3%	355
Children							
Yes	37%	29%	8%	10%	12%	3%	372
No	44%	26%	7%	8%	11%	4%	98

Q10b: Do you agree or disagree that the following individuals are fully committed to upholding Diocesan policies and procedures on preventing, responding to, and reporting sexual abuse of minors?

"Other Diocesan personnel, including members of the Office for Ministerial Conduct and the Office for Healing and Pastoral Care, are fully committed to upholding Diocesan policies and procedures on preventing, responding to, and reporting sexual abuse of minors."

	Strongly Agree	Agree Somewhat	Unsure/No Opinion	Disagree Somewhat	Strongly Disagree	Don't Know	Number Responding
Diocese of Manchester	42%	29%	13%	5%	6%	4%	473
Sex							
Male	46%	23%	11%	5%	9%	6%	161
Female	40%	32%	14%	5%	5%	4%	312
Years Lived in NH							
Less than 10 years	38%	21%	21%	4%	6%	10%	48
10 to 20 years	43%	33%	14%	1%	6%	1%	69
More than 20 years	42%	29%	12%	6%	6%	4%	356
Children							
Yes	40%	31%	13%	5%	6%	4%	374
No	48%	22%	13%	6%	6%	4%	98

Q10c: Do you agree or disagree that the following individuals are fully committed to upholding Diocesan policies and procedures on preventing, responding to, and reporting sexual abuse of minors?

"Members of your parish, including your parish priest, parish personnel, and the Safe Environment Coordinator are fully committed to upholding Diocesan policies and procedures on preventing, responding to, and reporting sexual abuse of minors."

	Strongly Agree	Agree Somewhat	Unsure/No Opinion	Disagree Somewhat	Strongly Disagree	Don't Know	Number Responding
Diocese of Manchester	68%	20%	4%	2%	3%	3%	474
Sex							
Male	70%	19%	1%	3%	4%	4%	162
Female	67%	21%	5%	2%	3%	2%	312
Years Lived in NH							
Less than 10 years	65%	14%	8%	4%	0%	8%	49
10 to 20 years	71%	17%	6%	0%	4%	1%	69
More than 20 years	68%	21%	3%	3%	4%	2%	356
Children							
Yes	67%	20%	4%	2%	4%	2%	375
No	69%	19%	4%	2%	1%	4%	98

Q10d: Do you agree or disagree that the following individuals are fully committed to upholding Diocesan policies and procedures on preventing, responding to, and reporting sexual abuse of minors?

"Your fellow parishioners are fully committed to upholding Diocesan policies and procedures on preventing, responding to, and reporting sexual abuse of minors."

	Strongly Agree	Agree Somewhat	Unsure/No Opinion	Disagree Somewhat	Strongly Disagree	Don't Know	Number Responding
Diocese of Manchester	65%	20%	8%	2%	1%	3%	473
Sex							
Male	65%	22%	7%	1%	2%	4%	161
Female	66%	20%	9%	2%	1%	2%	312
Years Lived in NH							
Less than 10 years	61%	29%	6%	0%	0%	4%	49
10 to 20 years	68%	16%	9%	3%	1%	3%	69
More than 20 years	65%	20%	9%	2%	2%	3%	355
Children							
Yes	64%	22%	8%	2%	2%	3%	375
No	70%	15%	9%	2%	0%	3%	97

Q10e: Do you agree or disagree that the following individuals are fully committed to upholding Diocesan policies and procedures on preventing, responding to, and reporting sexual abuse of minors?

"You, yourself, are fully committed to upholding Diocesan policies and procedures on preventing, responding to, and reporting sexual abuse of minors."

	Strongly Agree	Agree Somewhat	Unsure/No Opinion	Disagree Somewhat	Strongly Disagree	Don't Know	Number Responding
Diocese of Manchester	89%	5%	2%	0%	1%	2%	474
Sex							
Male	89%	5%	3%	1%	1%	2%	162
Female	89%	6%	2%	0%	1%	2%	312
Years Lived in NH							
Less than 10 years	84%	8%	4%	0%	0%	4%	49
10 to 20 years	94%	1%	1%	0%	1%	1%	69
More than 20 years	89%	6%	2%	0%	1%	1%	356
Children							
Yes	89%	6%	2%	0%	1%	2%	375
No	90%	4%	3%	1%	0%	2%	98

Q11a: Do you agree or disagree that if you had a question about preventing, responding to, or reporting sexual abuse of minors, you would seek advice from the following people?

"I would seek advice from senior Diocesan clergy, including the Bishop or Delegate for the Office for Ministerial Conduct."

	Strongly Agree	Agree Somewhat	Unsure/No Opinion	Disagree Somewhat	Strongly Disagree	Don't Know	Number Responding
Diocese of Manchester	35%	20%	6%	14%	23%	2%	474
Sex							
Male	38%	13%	4%	13%	30%	2%	162
Female	34%	24%	7%	14%	20%	1%	312
Years Lived in NH							
Less than 10 years	45%	16%	8%	10%	16%	4%	49
10 to 20 years	43%	13%	3%	20%	17%	3%	69
More than 20 years	33%	22%	6%	13%	25%	1%	356
Children							
Yes	34%	22%	5%	14%	24%	2%	374
No	41%	15%	8%	12%	21%	2%	99

Q11b: Do you agree or disagree that if you had a question about preventing, responding to, or reporting sexual abuse of minors, you would seek advice from the following people?

"I would seek advice from other Diocesan personnel, such as the Office for Ministerial Conduct or the Office for Healing and Pastoral Care."

	Strongly Agree	Agree Somewhat	Unsure/No Opinion	Disagree Somewhat	Strongly Disagree	Don't Know	Number Responding
Diocese of Manchester	33%	26%	8%	12%	18%	2%	473
Sex							
Male	40%	20%	6%	14%	19%	2%	162
Female	30%	29%	10%	12%	17%	2%	311
Years Lived in NH							
Less than 10 years	35%	27%	12%	10%	14%	2%	49
10 to 20 years	42%	20%	6%	14%	14%	3%	69
More than 20 years	32%	27%	8%	12%	19%	1%	355
Children							
Yes	32%	27%	9%	13%	18%	1%	373
No	36%	23%	8%	12%	17%	3%	99

Q11c: Do you agree or disagree that if you had a question about preventing, responding to, or reporting sexual abuse of minors, you would seek advice from the following people?

"I would seek advice from members of my parish, such as my parish priest, parish personnel, or the Safe Environment Coordinator."

	Strongly Agree	Agree Somewhat	Unsure/No Opinion	Disagree Somewhat	Strongly Disagree	Don't Know	Number Responding
Diocese of Manchester	60%	18%	3%	5%	11%	1%	472
Sex							
Male	57%	19%	3%	6%	14%	1%	161
Female	62%	18%	4%	5%	10%	1%	311
Years Lived in NH							
Less than 10 years	63%	21%	2%	4%	8%	2%	48
10 to 20 years	61%	23%	3%	6%	6%	1%	69
More than 20 years	60%	17%	4%	5%	13%	1%	355
Children							
Yes	61%	19%	3%	5%	11%	1%	372
No	59%	15%	3%	7%	14%	2%	99

Q11d: Do you agree or disagree that if you had a question about preventing, responding to, or reporting sexual abuse of minors, you would seek advice from the following people?

"I would seek advice from fellow parishioners."

	Strongly Agree	Agree Somewhat	Unsure/No Opinion	Disagree Somewhat	Strongly Disagree	Don't Know	Number Responding
Diocese of Manchester	19%	20%	6%	15%	37%	2%	463
Sex							
Male	21%	20%	5%	14%	36%	3%	159
Female	18%	20%	7%	16%	37%	1%	304
Years Lived in NH							
Less than 10 years	32%	21%	9%	4%	32%	2%	47
10 to 20 years	26%	18%	7%	18%	29%	1%	68
More than 20 years	16%	20%	6%	16%	39%	2%	348
Children							
Yes	19%	21%	5%	16%	37%	2%	367
No	23%	16%	12%	12%	37%	1%	95

APPENDIX B:
QUESTIONNAIRE AND CODEBOOK

Diocese of Manchester
Survey of Parishioners Relating to the Diocese's Safety Programs

August, 2007

Q:INTRO

"Good evening. My name is _____ and I'm calling from the University of New Hampshire Survey Center. We are conducting a survey of Catholics in New Hampshire about their knowledge and perceptions of Diocesan policies and procedures to prevent, respond to, and report child abuse."

"Are you or is someone in your family a Catholic?"

- 1 YES, R IS CATHOLIC → SKIPTO INTRO3
- 2 OTHER HOUSEHOLD ADULT IS CATHOLIC → SKIPTO INTRO2
- 3 NO, NO CATHOLICS IN HH → THANK AND TERMINATE

- 98 DON'T KNOW → THANK AND TERMINATE
- 99 REFUSAL → THANK AND TERMINATE

Q:INTRO2

"Good evening. My name is _____ and I'm calling from the University of New Hampshire Survey Center. We are conducting a survey of Catholics in New Hampshire about their knowledge and perceptions of Diocesan policies and procedures to prevent, respond to, and report child abuse."

"Just to confirm, are you a Catholic?"

- 1 YES, R IS CATHOLIC
- 2 NO, NO CATHOLICS IN HH → THANK AND TERMINATE

- 99 REFUSAL → THANK AND TERMINATE

Q:INTRO3

"Are you a parishioner in the Diocese of Manchester, which includes all of New Hampshire? By a parishioner, I mean someone who has an active parish registration and who personally or who's family regularly participates in worship and sacramental life, and who contributes time and or financially to the parish."

"Are you a diocese of Manchester parishioner?"

- 1 A DIOCESE OF MANCHESTER PARISHIONER
- 2 NOT A DIOCESE OF MANCHESTER PARISHIONER → THANK AND TERMINATE
- 3 APPOINTMENT

- 98 DON'T KNOW/NOT SURE → THANK AND TERMINATE
- 99 NA → THANK AND TERMINATE

Q:SEX

"Thank you very much for helping us with this important study. We really appreciate your help."

"Before we begin I want to assure you that all of your answers are strictly confidential and no one at the Diocese will see your answers. They will be combined with answers from other Catholics in New Hampshire."

"Participation is voluntary. If you decide to participate, you may decline to answer any question or end the interview at any time."

IF ASKED - "This survey will take about 10 minutes to complete."

RECORD SEX OF RESPONDENT

- 1 MALE
- 2 FEMALE

- 99 NA

Q:Q1A

"How long have you lived in New Hampshire?"

IF "ALL MY LIFE"-- "About how many years is that?"

- 1 LESS THAN ONE YEAR
- 2 1 TO 3 YEARS
- 3 3 TO YEARS
- 4 5 TO 10 YEARS
- 5 10 TO 20 YEARS
- 6 MORE THAN 20 YEARS

- 98 DK
- 99 NA

Q:Q1B

"Do you have any children or custody of any children?"

- 1 YES
- 2 NO → SKIPTO Q2

- 98 DK → SKIPTO Q2
- 99 NA → SKIPTO Q2

Q:Q1B2

"In what age group are your children ... preschool ... elementary ... high school ... or post high school?"

CLICK ALL THAT APPLY

- 1 PRESCHOOL
- 2 ELEMENTARY
- 3 HIGH SCHOOL
- 4 POST HIGH SCHOOL
- 5 NA / REFUSED

Q:Q2

"How familiar with the Manchester Diocese's policy on preventing, responding to, and reporting sexual abuse of minors called 'The Diocese of Manchester Code & Policy: Serving Christ, Serving Others Code of Ministerial Conduct, and the Promise to Protect, Pledge to Heal Policy for the Protection of Children and Young People'?"

"Would you say you are very familiar ... generally familiar ... somewhat familiar ... slightly familiar ... or not at all familiar with this policy?"

- 1 VERY FAMILIAR
- 2 GENERALLY FAMILIAR
- 3 SOMEWHAT FAMILIAR
- 4 SLIGHTLY FAMILIAR
- 5 NOT AT ALL FAMILIAR

- 98 DK
- 99 NA

Q:Q3A

"Please tell me about the communications and/or training you receive on Diocesan policies and procedures on preventing, responding to, and reporting sexual abuse of minors."

"How regularly are communications and training on Diocesan policies and procedures on preventing, responding to, and reporting sexual abuse of minors provided to you?"

"Would you say often ... sometimes ... rarely ... or never?"

- 1 OFTEN
- 3 SOMETIMES
- 3 RARELY
- 4 NEVER

- 98 DK
- 99 NA

Q:Q3B

"Are communications and training clear and easy for you to understand?"

"Would you say often ... sometimes ... rarely ... or never?"

- 1 OFTEN
- 3 SOMETIMES
- 3 RARELY
- 4 NEVER

- 98 DK
- 99 NA

Q:Q3C

"Are communications and training sufficiently comprehensive such that they are effective in guiding your decisions and behaviors?"

"Would you say often ... sometimes ... rarely ... or never?"

1	OFTEN
3	SOMETIMES
3	RARELY
4	NEVER
98	DK
99	NA

Q:Q4

"Now I'm going to read to you some statements about Diocesan personnel. For each one, please tell me whether you agree or disagree with the statement."

PRESS '1' TO CONTINUE.

Q:Q4A

"Diocesan personnel set the right "tone" on the importance of protecting children from sexual abuse."

IF NEEDED:

"Would you say you strongly agree ... agree somewhat ... disagree somewhat ... or strongly disagree?"

1	STRONGLY AGREE
2	AGREE SOMEWHAT
3	UNSURE/NO OPINION (VOLUNTEERED)
4	DISAGREE SOMEWHAT
5	STRONGLY DISAGREE
98	DK
99	NA

Q:Q4B

"Diocesan personnel are approachable with questions or reports of allegations of sexual abuse of children."

Q:Q4C

"Diocesan personnel would respond appropriately if they became aware of an allegation of sexual abuse of children."

Q:Q5

"Please tell me if you agree or disagree with the following statements about WHAT YOU WOULD DO if you observed or had first-hand knowledge of a minor being sexually abused."

PRESS '1' TO CONTINUE.

Q:Q5a

"I would try resolving the matter myself."

IF NEEDED:

"Would you say you strongly agree ... agree somewhat ... disagree somewhat ... or strongly disagree?"

- 1 STRONGLY AGREE
- 2 AGREE SOMEWHAT
- 3 UNSURE/NO OPINION (VOLUNTEERED)
- 4 DISAGREE SOMEWHAT
- 5 STRONGLY DISAGREE

98 DK

99 NA

Q:Q5b

"I would notify senior Diocesan clergy such as bishops or deacons."

Q:Q5c

"I would notify my local law enforcement office or the New Hampshire Division for Children, Youth and Families."

Q:Q5d

"I would notify other Diocesan personnel, such as the Office for Ministerial Conduct or the Office for Healing and Pastoral Care."

Q:Q5e

"I would notify a member of my parish such as my parish priest, parish personnel, another parishioner, or the Safe Environment Council Coordinator."

Q:Q5f

"I would look the other way or do nothing."

Q:Q6

"Please tell me if you agree or disagree with the following statements about HOW YOU WOULD REPORT first-hand knowledge of a minor being sexually abused."

PRESS '1' TO CONTINUE.

Q:Q6A

"I would report it to local law enforcement office or the New Hampshire Division for Children, Youth and Families."

IF NEEDED:

"Would you say you strongly agree ... agree somewhat ... disagree somewhat ... or strongly disagree?"

- 1 STRONGLY AGREE
- 2 AGREE SOMEWHAT
- 3 UNSURE/NO OPINION (VOLUNTEERED)
- 4 DISAGREE SOMEWHAT
- 5 STRONGLY DISAGREE

98 DK

99 NA

Q:Q6b

"I would report it to Senior Diocesan clergy such as bishops or deacons."

Q:Q6c

"I would report it to other Diocesan personnel, such as the Office for Ministerial Conduct, or the Office for Healing and Pastoral Care."

Q:Q6d

"I would report it to a member of my parish such as my parish priest, parish personnel, another parishioner, or the Safe Environment Council Coordinator."

Q:Q7

"Now think about what would happen if you reported to Diocesan personnel a violation of policies and procedures on preventing, responding to, and reporting sexual abuse of minors. Would you agree or disagree with the following statements."

PRESS '1' TO CONTINUE.

Q:Q7a

"The proper authorities would be notified, such as law enforcement, or New Hampshire Division for Children, Youth and Families, etc."

IF NEEDED:

"Would you say you strongly agree ... agree somewhat ... disagree somewhat ... or strongly disagree?"

- 1 STRONGLY AGREE
- 2 AGREE SOMEWHAT
- 3 UNSURE/NO OPINION (VOLUNTEERED)
- 4 DISAGREE SOMEWHAT
- 5 STRONGLY DISAGREE

- 98 DK
- 99 NA

Q:Q7b

"Those involved would be disciplined regardless of their rank or tenure."

Q:Q7c

"My report would be handled confidentially and I would be protected from retaliation."

Q:Q7d

"I would be satisfied with the outcome."

Q:Q8

"Do you agree or disagree with the following proposals to strengthen Diocesan policies and procedures on preventing, responding to, and reporting sexual abuse of minors."

PRESS '1' TO CONTINUE.

Q:Q8a

"It would strengthen Diocesan policies and procedures on preventing, responding to, and reporting sexual abuse of minors if there was a stronger level of commitment from Diocesan personnel to uphold the policies and procedures."

IF NEEDED:

"Would you say you strongly agree ... agree somewhat ... disagree somewhat ... or strongly disagree?"

- 1 STRONGLY AGREE
- 2 AGREE SOMEWHAT
- 3 UNSURE/NO OPINION (VOLUNTEERED)
- 4 DISAGREE SOMEWHAT
- 5 STRONGLY DISAGREE

- 98 DK
- 99 NA

Q:Q8b

"It would strengthen Diocesan policies and procedures on preventing, responding to, and reporting sexual abuse of minors if you felt that the Diocese would support you if you raised issues or concerns."

Q:Q8c

"It would strengthen Diocesan policies and procedures on preventing, responding to, and reporting sexual abuse of minors if you knew your report would be taken seriously by Diocese personnel."

Q:Q8d

"It would strengthen Diocesan policies and procedures on preventing, responding to, and reporting sexual abuse of minors if you received communication and training on policies and standards more often."

Q:Q9

"Do you agree or disagree with the following statements about Diocesan personnel."

PRESS '1' TO CONTINUE.

Q:Q9a

"Diocesan personnel share a high commitment to preventing child sexual abuse."

IF NEEDED:

"Would you say you strongly agree ... agree somewhat ... disagree somewhat ... or strongly disagree?"

- | | |
|----|---------------------------------|
| 1 | STRONGLY AGREE |
| 2 | AGREE SOMEWHAT |
| 3 | UNSURE/NO OPINION (VOLUNTEERED) |
| 4 | DISAGREE SOMEWHAT |
| 5 | STRONGLY DISAGREE |
| 98 | DK |
| 99 | NA |

Q:Q9b

"Diocesan personnel feel comfortable asking questions and raising concerns."

Q:Q9c

"Diocesan personnel model their decisions and behaviors on Diocesan policies and procedures."

Q:Q9d

"The opportunity to engage in child sexual abuse is minimal."

Q:Q9e

"The ability to conceal child sexual abuse is minimal."

Q:Q9f

"The willingness to tolerate child sexual abuse is minimal."

Q:Q9g

"Adequate background checks are carried out to ensure that individuals prone to engage in child sexual abuse are not hired."

Q:Q10A

"Do you agree or disagree that the following individuals are fully committed to upholding Diocesan policies and procedures on preventing, responding to, and reporting sexual abuse of minors?"

"First, Senior Diocesan clergy, including the Bishop and the Delegate for the Office for Ministerial Conduct are fully committed to upholding Diocesan policies and procedures on preventing, responding to, and reporting sexual abuse of minors."

IF NEEDED:

"Would you say you strongly agree ... agree somewhat ... disagree somewhat ... or strongly disagree?"

- 1 STRONGLY AGREE
- 2 AGREE SOMEWHAT
- 3 UNSURE/NO OPINION (VOLUNTEERED)
- 4 DISAGREE SOMEWHAT
- 5 STRONGLY DISAGREE

98 DK

99 NA

Q:Q10b

"Other Diocesan personnel, including members of the Office for Ministerial Conduct and the Office for Healing and Pastoral Care, are fully committed to upholding Diocesan policies and procedures on preventing, responding to, and reporting sexual abuse of minors."

Q:Q10c

"Members of your parish, including your parish priest, parish personnel, and the Safe Environment Coordinator are fully committed to upholding Diocesan policies and procedures on preventing, responding to, and reporting sexual abuse of minors."

Q:Q10d

"Your fellow parishioners are fully committed to upholding Diocesan policies and procedures on preventing, responding to, and reporting sexual abuse of minors."

Q:Q10e

"You, yourself, are fully committed to upholding Diocesan policies and procedures on preventing, responding to, and reporting sexual abuse of minors."

Q:Q11A

"Do you agree or disagree that if you had a question about preventing, responding to, or reporting sexual abuse of minors, you would you seek advice from the following people?"

"I would seek advice from senior Diocesan clergy, including the Bishop or Delegate for the Office for Ministerial Conduct."

IF NEEDED:

"Would you say you strongly agree ... agree somewhat ... disagree somewhat ... or strongly disagree?"

- 1 STRONGLY AGREE
- 2 AGREE SOMEWHAT
- 3 UNSURE/NO OPINION (VOLUNTEERED)
- 4 DISAGREE SOMEWHAT
- 5 STRONGLY DISAGREE

98 DK

99 NA

Q:Q11b

"I would seek advice from other Diocesan personnel, such as the Office for Ministerial Conduct or the Office for Healing and Pastoral Care."

Q:Q11c

"I would seek advice from members of my parish, such as my parish priest, parish personnel, or the Safe Environment Coordinator."

Q:Q11d

"I would seek advice from fellow parishioners."

Q:Q11e

"I would seek advice from the Diocesan website."

Q:END

"That was my last question. Thank you for your time and participation. Your input has been very valuable. Goodbye"