

**THE ROMAN CATHOLIC DIOCESE OF SYRACUSE, NEW YORK
CLERGY SEXUAL ABUSE OF MINORS
INDEPENDENT RECONCILIATION AND COMPENSATION PROGRAM**

**PROTOCOL
FEBRUARY 14, 2018**

1. PURPOSE

The Independent Reconciliation and Compensation Program (the “IRCP”) follows in the wake of initiatives adopted by the Syracuse Diocese (the “Diocese”) to implement safeguards and procedures to keep children safe and to advocate for the need to combat child abuse since the adoption of the Charter for the Protection of Children and Young People in 2002.¹

This Diocese advises every victim to immediately report allegations of clergy sexual abuse to the appropriate District Attorney’s office. Thereafter the Diocese itself reports all allegations of clergy child abuse to the appropriate District Attorney and fully cooperates with the District Attorney’s investigation. Though the Diocese continues its efforts to address the emotional, psychological and pastoral needs of victims, it has implemented an independent and voluntary program to address monetary compensation for victims. This Independent Reconciliation and Compensation Program (the “IRCP” or “Program”) is designed to compensate eligible victims of clergy sexual abuse of minors.

During past years, the Syracuse Diocese has received various individual complaints alleging sexual abuse of a minor by clergy of the Diocese. This Protocol outlines the eligibility criteria requirements and the process for an individual victim to submit and resolve his or her claim of alleged sexual abuse. This Protocol governs only those individual claims of clergy sexual abuse of a minor that were reported to the Diocese prior to February 14, 2018.

The effective date of this Protocol and implementation of the IRCP is February 14, 2018. Any living person who has previously submitted a claim for sexual abuse of a minor that has not been adjudicated on the merits, has not previously been resolved or has not been previously determined to be non-credible by the Diocese’s Review Board, may participate in this Program. As to deceased persons who have previously submitted claims that have not been adjudicated, settled, or determined to be non-credible, only

¹ Recognizing that sexual abuse of a minor is a horrific crime, since 2002 and the adoption of the Bishops Charter for the Protection of Children and Young People, the Syracuse Diocese has implemented a number of safeguards and procedures designed to keep children safe. For example, any cleric against whom an allegation of sexual abuse of a minor is substantiated – no matter when the abuse occurred – is permanently removed from ministry. The Diocese advises every victim of such clergy abuse to immediately report the abuse to the appropriate district attorney. The Diocese offers both pastoral care and reimbursement for psychological counseling to victims of clergy abuse. The Diocese has also developed a robust and dedicated safe environment program which includes mandatory training and background checks on all clergy, all religious, all parish/diocesan employees, and all volunteers whose ministry or role places them in regular contact with children.

appropriate estate representatives may submit claims. In the case of a deceased person, the estate representative is the spouse, descendant, relative, or other person who is authorized by law to serve as the decedent's legal representative and submits proof of appointment.

Individuals who have not previously reported a claim alleging sexual abuse of a minor by a clergy member of the Syracuse Diocese should contact the Diocesan Victim Assistance Coordinator at 1-800-680-5040. Each individual will be asked to provide the Diocese with the following information: his or her name and contact information, a summary description of the claim, including the date(s), nature, and location(s) of the alleged abuse, and the name of the alleged perpetrator. Such information will be forwarded to the local District Attorney by the Diocese. In addition, where appropriate, the Diocese will have the matter investigated by its own independent investigators and examined by the Diocesan Review Board. Claims of abuse not previously reported to the Diocese are not eligible for participation in the IRCP at this time. At the conclusion of the IRCP, a decision will be made as to whether or not the Program will be expanded to include these newly received complaints.

2. THE PROGRAM

A. The Program Administrators

The Diocese has engaged Kenneth R. Feinberg and Camille Biros (the "Administrators") to design, implement and administer this Program for the submission, evaluation, and settlement of individual claims of sexual abuse of a minor previously brought to the attention of the Diocese. As Administrators, they will process and evaluate claims to determine: a) whether the submitted claim meets the eligibility requirements, and, if so, b) the amount of compensation to be paid such eligible claimant.

Participation in the IRCP is completely voluntary. It does not affect any rights a person may have until and unless he or she agrees to the compensation amount and signs a release of liability after the required consultation with a lawyer. If a person files a claim with the IRCP but then wishes to withdraw that claim and cease participation, he or she is free to do so up until the Administrators receive an executed release of liability.

B. Approach

The following non-exclusive principles apply to the operation of this Protocol:

- The Program Administrators are independent.
- This Program is administered by Mr. Feinberg and Ms. Biros, neutral Administrators responsible for all decisions relating to the administration, processing, and evaluation of individual claims submitted to the Program.
- All claims will be evaluated by the Administrators in a prompt and fair manner. Claims will only be finalized, however, once all required documentation has been submitted to the Administrators.
- Documentation previously submitted to the Diocese in connection with claims of sexual abuse will be made available to the Administrators consistent with this Protocol.

- Consistent with the terms and conditions of this Protocol, any final decision rendered by the Administrators pertaining to an individual claim will be fully binding on the Diocese.
- The Diocese has no authority to reject any final decisions rendered by the Administrators.
- Prior to receiving payment from the Diocese, a person must execute a release of liability, as discussed below, and return the original signed release of liability to the Administrators.

3. ELIGIBILITY REQUIREMENTS

The only persons who may submit claims to the Administrators are: a) an individual who has reported to the Diocese the sexual abuse of a minor by a clergy member of the Diocese prior to February 14, 2018, or b) the Legal Representative (as defined below) of such an individual. An individual may retain the services of an attorney at law to submit his or her claim and all the supporting documentation. However, the Claim Form must be signed by the claimant, his or her Legal Representative (defined below), or by a person with a power of attorney on behalf of the claimant.

“Legal Representative” shall mean: a) in the case of a minor, a parent or legal guardian authorized under law to serve as the minor’s legal representative; b) in the case of a deceased person, the spouse, descendant, relative or other person who is authorized by law to serve as the decedent’s legal representative and submits proof of his or her appointment; or c) in the case of an incompetent or legally incapacitated individual claimant, a person who has been duly appointed legal representative in accordance with applicable law and submits proof of his or her appointment.

The following groups are not eligible to participate in the Program: a) estates of deceased claimants who do not have appropriate, legally authorized estate representatives; b) persons who have had their claims adjudicated by a court or an arbitrator; c) persons who previously entered into a settlement agreement resolving the claim of clergy sexual abuse; d) persons who previously filed complaints with the Diocese and, after investigation, the Diocese determined the complaints to be non-credible; and e) individuals with claims of clergy sexual abuse against a member of a religious order or clergy of a diocese other than the Syracuse Diocese.

For an individual claimant to be eligible for compensation under this Protocol (“Eligible Claimants”), the following eligibility requirements must be met:

- The individual claimant must have previously submitted a complaint to the Diocese (prior to February 14, 2018) alleging sexual abuse of a minor.
- In certain cases, such individual complaints may have already been reported (by the claimant and/or by the Diocese) to the appropriate Office of the District Attorney for review. If not, in accordance with the Diocese’s current policy, the written submission of individual claims to the District Attorney is both mandatory and a prerequisite for compensation pursuant to this Program. However, a finding of criminal liability by the District Attorney is not required as a precondition for compensation pursuant to this Program.

- The Administrators must find that the facts and circumstances of the claim of clergy sexual abuse demonstrate that the allegations are credible and provide sufficient corroboration and proof to justify the payment of compensation.

4. METHODOLOGIES FOR CALCULATING COMPENSATION

A. Acceptance or Rejection of a Claim

Among the factors the Administrators will consider in evaluating individual claims are the following:

- The extent to which the individual claimant is able to document and corroborate the nature, frequency and date(s) of the alleged sexual abuse.
- Whether or not, in evaluating all of the facts and circumstances supporting the allegations, i.e., the context of the claim, there is sufficient circumstantial evidence to find eligibility and provide a designated level of compensation.
- Whether or not contemporaneous notification of the alleged abuse was made by the individual claimant to Church officials, law enforcement authorities, parents, friends and/or others.
- Whether or not there exist medical or counseling records relevant to the alleged abuse.
- Whether or not the Administrators find the claims of the individual to be credible after a complete review of all relevant documentation provided by the claimant, the Diocese, and any doctors and psychiatrists retained by the individual claimant.

B. Amount of Compensation

Among the factors the Administrators will consider in determining the amount of compensation to be paid to any Eligible Claimant, are the following:

- The nature, extent and frequency of the sexual abuse alleged by the individual claimant.
- Whether or not the individual claimant alleges aggravating circumstances, e.g., the age of the claimant, severity of abuse, location of abuse, threats of physical harm and/or retaliation, significant, verifiable and life-altering psychological damage, etc.
- The credibility of the claimant based upon all of the facts and circumstances.

Pursuant to this Protocol, the Administrators – in their sole discretion – shall determine the appropriate compensation to be offered each eligible individual claimant.

5. DOCUMENTATION REQUIREMENTS

To participate in the Program, all individuals must submit a completed Claim Form as provided by the Administrators. Each person must also submit the documentation requested on the Claim Form, and any other corroborating information sufficient both to substantiate the Claim and satisfy Protocol requirements, including eligibility requirements, and to allow the Administrators to review, process, and evaluate the submitted claim.

A person may, if he or she wishes, be represented by an attorney. If so represented, the attorney or the legal representative will be responsible for submitting the necessary documentation relating to the represented claimant and the Administrators will communicate solely with the attorney or legal representative. If so represented, claimants must provide the Administrators with a retention agreement signed by both the claimant and the attorney. Legal representatives must also provide proof of representative capacity – such as a power of attorney, guardianship, appointment as the representative of an estate, appointment as guardian or attorney ad litem, custodial parent, or the equivalent – as is required to establish authority to act in a representative capacity under the law of the resident state of the person, deceased, minor, or incompetent or legally incapacitated individual.

Specific documentation and proof requirements will be defined on the Claim Form. Additional documentation may be required at the discretion of the Administrators.

6. FILING FOR COMPENSATION

A. Equal Access and Fair Adjudications in the Claims Process

All claimants will be treated with respect, dignity, and fairness, without regard to race, color, sexual orientation, national origin, religion, gender, or disability. The Administrators will manage the process so that all claimants can equally access the Program's claim submission process so that claims will be adjudicated fairly. Individuals with disabilities will be given the opportunity to effectively communicate their claims and to request special process accommodations to the Administrators. Accommodations will be made for individuals with language barriers to ensure that they will have meaningful access to the process and to the Program.

B. Process and Procedures

This Protocol will be available on the Program website, www.SyracuseDioceseIRCP.com, to all interested parties beginning on February 14, 2018, the effective date of this Protocol.

Individual claimants must file the required Claim Form. Claim Forms and other relevant Program information will be sent to each potentially eligible claimant and should be completed and submitted to the Administrators postmarked no later than May 16, 2018. Questions regarding the completion of the Claim Form should be sent via email to the Administrators (contact information will be provided on the Claim Form and on the Program's website). The Administrators will maintain and make available to claimants a list of Frequently Asked Questions and responses. Claimants will mail the completed Claim Forms via overnight courier (a pre-paid courier voucher will be included in each Claimant's packet) to the Program Administrators at the following address:

The Law Offices of Kenneth R. Feinberg, PC
1455 Pennsylvania Avenue, N.W., Suite 390
Washington, DC 20004
Attn.: IRCP PROGRAM – Diocese of Syracuse

In order for the claim to be eligible for payment, all claimants must voluntarily consent to participate in the Program and agree to be bound by its terms including all requirements pertaining to privacy and confidentiality. One does not release of liability any legal rights until such compensation is determined, the claimant is notified, and the claimant accepts the compensation and executes a binding release of liability. A claimant may reject an offer of compensation for no reason or any reason. A claimant may also stop participating in the Program and withdraw his or her claim at any time he or she wishes to do so prior receipt by the Administrators of the executed release of liability.

The Administrators will work directly with all claimants as reasonably requested to make sure that all claims are submitted by the May 16, 2018 deadline.

The Administrators cannot provide tax or legal advice to those receiving payments pursuant to this Protocol. The Administrators recommend consultation with a tax advisor concerning any questions regarding tax liability for payments pursuant to this Protocol.

C. Due Process Procedures and the Right to be Heard

Individual claimants or officials of the Diocese may request a face-to-face personal meeting or telephone meeting with the Administrators prior to their making a determination to accept or reject compensation. Both the individual claimant and the Diocese reserve the right to submit to the Administrators any information deemed relevant to the Administrators' evaluation and determination of any individual claim before the final processing, determination and calculation of the claim. Meetings will be scheduled at mutually convenient times and locations. Such a requested meeting will not serve to alter the eligibility, process, or documentation requirements set forth above. Requests to meet with the Administrators should be sent by email to the Administrators (contact information is on the Claim Form and on the Program website). In addition, the Administrators may request separate meetings with the claimant and/or his or her attorney or Legal Representative and/or officials of the Diocese at a reasonable mutually convenient location.

D. Incomplete or Deficient Claims

If a claimant submits an incomplete or deficient claim, e.g., the claimant fails to include required documentation or sign the Claim Form, a deficiency notification will be sent to the claimant and a representative of the Program will informally work with the claimant in an effort to cure any such deficiencies.

E. Confidential Notification of Program Decision

The Administrators will confidentially send the claimant the following in writing:

1. The Administrators' decision regarding the claim's eligibility for compensation.
2. The settlement amount offered pursuant to this Protocol; and
3. A release of liability to be signed by the claimant if the claimant accepts the offered settlement.

Settlement offers pursuant to this Protocol shall be valid for 60 days from receipt by the claimant or his representative, or the refusal of receipt, after which they are null and void.

F. Payment

Compensation payments will be issued by the Administrators within 15 days of receipt by the Administrators of an acceptance of the offer and the executed a release of liability. Payments will be made by check or electronic funds transfer (as instructed by the claimant) to each Eligible Claimant. Checks will be sent to claimants via courier service.

7. CONFIDENTIALITY AND PRIVACY

This entire IRCP is deemed to be confidential except as to the exclusions set forth below. By filing a claim with the IRCP, the claimant and his or her representative agree that all statements, documents, records and information, submitted by a claimant and the Diocese or discussed with the Administrators pursuant to this Program will be used and disclosed only for the following purposes:

1. Processing the claimant's claim for compensation;
2. Administering the Program, including the prevention of fraud; and
3. The protection of children under the Safe Environment Program.

Exclusions to Confidentiality:

Participating claimants, however, are not bound by any confidentiality provision and may -- at the Claimant's voluntary and sole option -- disclose such information regarding the claims process and/or the compensation determination of the claim and any other information pertaining to such claim. The Diocese and the Administrators will maintain all information regarding the claimant as confidential information to the fullest extent permitted by law.

8. QUALITY CONTROL PROCEDURES

For the purpose of detecting and preventing the payment of fraudulent claims, and for the purpose of assuring accurate and appropriate payments to claimants, the Administrators will implement procedures to:

1. Verify and authenticate claims; and
2. Analyze claim submissions to detect inconsistencies, irregularities, and duplication.

9. RELEASE OF LIABILITY

No agreement to accept compensation will be enforceable until a) the claimant is made aware of the settlement amount, and b) the original fully executed release of liability is received by the Administrators. Note: Until the release of liability is executed and returned, the claimant has waived no rights and accordingly may decline the offer of compensation. The claimant may withdraw from the Program at any time prior to receipt by the Administrators of the release of liability.

By submitting a claim under this Protocol, a claimant is seeking to resolve all claims against all responsible parties relating to allegations of sexual abuse involving the Diocese. If a claimant chooses to accept a final payment pursuant to this Protocol, the claimant will be required to sign a full release of liability, in a form satisfactory to the Diocese, of all past and future claims against any party relating to such allegations of sexual abuse.

Before signing such a release of liability, the individual claimant will be required to consult with an attorney selected by the claimant, or if the claimant so requests, the Administrators shall provide an attorney to the claimant pro bono (free of charge) to provide legal counseling to the claimant for the sole purpose of advising the claimant concerning the language and binding nature of the release of liability.

The release of liability will waive any rights the claimant or his or her heirs, descendants, legatees and beneficiaries may have against the Diocese of Syracuse or any potentially responsible party relating to such allegations of sexual abuse claims, to file an individual legal action relating to such allegations, or to participate in any legal action associated with such allegations.