THE MOVEMENT TO RESTORE TRUST

THE INITIAL REPORTS OF THE WORKGROUPS

July 2019

A Letter from the Organizing Committee for the Movement to Restore Trust

We are pleased to submit *The Initial Reports of the Movement to Restore Trust Working Groups* which is guiding the work of our group of independent, concerned and committed Catholics to address the Diocese of Buffalo's handling of sex abuse cases involving clergy, seek justice for survivors of sexual abuse and help the Church of Buffalo look forward, implement meaningful reforms, and restore the faithful's trust and confidence.

The MRT was formed in October 2018 and in early December created six working groups to address specific areas of inquiry. Those groups met from December 2018 through March 2019 to develop this initial set of reports. They consulted subject matter experts, studied foundational Catholic documents, and looked at best practices from across the United States. Some workgroups consulted Canon lawyers as part of their work.

These reports represent the best thinking of the approximately 150 people who participated in the work groups. This Initial Report includes an Executive Summary prepared by the Organizing Committee as a way of framing the process, findings and recommendations of the work groups for Bishop Richard Malone. It also includes a summary of the recommendations by work group, again prepared by the Organizing Committee to begin our discussions with the Diocese of Buffalo.

The full reports need to be set in the context of what we are doing with the MRT.

- Upon receipt of the Executive Summary and the summary of recommendations, Bishop Malone wrote to the MRT and said that these represented a basis for moving forward. He suggested the creation of a Joint Implementation Team (JIT) comprised of MRT representatives and diocesan representatives and reporting to both Bishop Malone and me, on behalf of the MRT. That process is underway, and several recommendations are in the process of being implemented.
- The reports represent the best thoughts and work of dedicated laity involved in this process. The work groups worked quickly, and the recommendations are based in many cases on perceptions of what is occurring in the diocese. In some cases, subsequent meetings with diocesan representatives have clarified matters and this process is ongoing.
- Similarly, the recommendations represent the best efforts of work group members, who in some cases were working with less than complete information. They are proposed as recommendations to be discussed by the JIT. The MRT understands that some may already be in process, some may be impossible under current Canon law, and some may not be acceptable for other reasons. We remain available to an open dialogue about all of these recommendations.

We continue to pray for the intercession of the Holy Spirit in guiding this important work for the victims of sexual abuse and the Church of Buffalo.

For the Organizing Committee,

John J. Hurley

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THE MOVEMENT TO RESTORE TRUST

EXECUTIVE SUMMARY - MRT PROCESS & RECOMMENDATIONS

Mission and Goals of The Movement to Restore Trust

The Movement to Restore Trust (MRT) was formed in October 2018 by a group of independent, concerned and committed Catholics to address the Diocese of Buffalo's handling of sex abuse cases involving clergy, seek justice for survivors of sexual abuse and help the Church in Buffalo look forward, implement meaningful reforms, and restore the faithful's trust and confidence. See Movement to Restore Trust mission statement, Our Mission.

The foundation of the MRT is based in its commitment to justice for victims of sexual abuse and to the Vatican II ideal that the Church is not simply the clergy, it is not simply the hierarchy, and it is not just the Vatican or the Chancery; the Church is the people of God. (See Movement to Restore Trust website, Our Mission).

Our goal is to be a conduit for the voice of the laity to lead the Church in Buffalo to a new place, a state of **trust** that has been restored and is marked by:

- A commitment to **justice** for the victims of sex abuse;
- A commitment to **Co-Responsibility**: the creation of a Church in which lay Catholics work hand in hand with ordained Catholics, in an equal partnership;
- Complete **transparency** about past and current instances of sex abuse and a process for dealing with those cases that will inspire trust and confidence;
- New transparent structures for bishop **accountability**;
- Openness and transparency; a way of addressing leadership failure and replacing outdated and secretive management practices based on a respect for the **competency** of the laity.[1]

The Movement to Restore Trust Process

The MRT Process commenced with a public symposium at the Montante Cultural Center at Canisius College on Wednesday, November 28, 2018. There were approximately 400 people in attendance with another 1100 estimated to be watching or listening on line. It was followed by a workshop on Saturday, December 8, 2018 at Science Hall at Canisius College, where several hundred people attended a plenary session and work group meetings devoted to six specific areas of inquiry, which we had developed in consultation with Leadership Roundtable:

[1] These basic principles were apparent in the common themes that emerged in the Workgroups and are also well aligned to what was shared and discussed at the Leadership Roundtable Catholic Partnership Summit held February 1-2 in Washington DC and reported here. Over 200 lay and ordained Catholics attended, including several Cardinals and Bishops and demonstrated what co-responsibility and a commitment to the ideals of Vatican II looks like.

1. Transparency around the nature and scale of abuse in the Diocese and financial and spiritual reparation for the victims;
2. Transparency about all diocesan operations;
3. Accountability for bishops;
4. Lay involvement in selecting and monitoring bishops;
5. Greater involvement by women/laity in the Church; and
6. Improvements in formation of priests and priestly life

Following the December 8th workshop, nearly 150 grassroots individuals, lay and clerical, volunteered to participate in the work of the six groups. We estimate that they are backed by approximately 500 other Catholics in the Diocese who have expressed interest in and support for our work. They have been driven by their love for the Church but also by their anger and disappointment at how the sex abuse crisis has been handled. Many Workgroups had participants who were themselves survivors of sex abuse. These were courageous in their contributions and the sharing of their experiences and their contributions are reflected in this executive summary. We also heard from many priests in the Diocese who for various reasons could not participate in our work but who support the goals of the MRT and the work of the laity. We sense a keen interest by the priests of the Diocese in our analysis and recommendations.

Workgroup members traveled from all over WNY and joined virtually from across the country and worked to research best practices and develop recommendations. Each of the six Workgroups met in-person an average of 5-6 times between December 8 and February 6, 2019. They consulted subject matter experts, studied foundational Catholic documents, and looked at best practices from across the United States. Some Workgroups consulted canon lawyers as part of their work; in other cases, we recognize that recommendations may go beyond what canon law currently provides. The work of the MRT Workgroups, while certainly not exhaustive, is nonetheless impressive in its scope and its passion, especially given the short time frame within which they worked. In all, the six workgroups produced over 50 pages of reports and draft recommendations.

Common Themes: Trust, Culture Change, Clericalism & Reviving the Spirit of Vatican II

Some common themes emerged from our work and are the basis for many of our recommendations. There is enormous anger in the Diocese over the sex abuse crisis. The wounds that priestly sex abuse has wrought are many: the broken lives of victims; indifference to their suffering on the part of fellow members of the church; a dearth of accountability for priests and bishops involved or complicit in abuse; a failure to reveal the full truth about abuses; and a deficit of genuine apology, penance and reparation.[2] The result has been a significant **erosion of trust** in the Catholic Church at large and in the Church in the Diocese of Buffalo and the laity have a lack of confidence in the institutional Church and its leaders. This has led to laity feeling disillusioned, frustrated and alienated. Throughout our meetings, we heard again and again about the need for the Bishop to be committed to rebuilding trust. People believe that trust can only exist where there is honesty, openness, transparency and a commitment to authentic listening.

[2] Daniel Philpott, "Why the Catholic Church needs a Eucharistic response to the sex abuse scandals," America, 2/20/19; at https://www.americamagazine.org/faith/2019/02/20/why-catholic-church-needs-eucharistic-response-sex-abuse-scandals

The MRT also believes that the process of restoring trust will require a metanoia of sorts when it comes to the culture of the Church in Buffalo. The need for **transformational culture change** is part of every workgroup's recommendations. We recognize that the Bishop is not solely responsible for the culture that exists; culture has developed over the decades and centuries and our hierarchy in Buffalo is a product of that culture. But we also believe that the Bishop must be a leader in starting the process of culture change.

But, being a leader of the process of change does not mean that the Bishop alone decides when and how to move forward. We have determined that **clericalism** is at the root of many of the issues involving the culture of the Church. At its root, clericalism is opposed to the teaching of the Church that the spiritual shepherds of the Church are called to recognize and promote the dignity and responsibility of the laity in the Church. *Lumen Gentium, Chapter 4*. **Thus, central to our recommendations is our conclusion that trust will only be restored when the Bishop demonstrates that he is committed to working in active partnership with the laity on the matters identified in this report.** The embrace and implementation of the recommendations in our report will be an important step in breaking old habits driven by clericalism.

Finally, and perhaps the most fundamental of our observations, the Diocese seems to have lost its way in promoting the essential principles of Vatican II, especially as it relates to the role of laity in the Church. We recommend **a recommitment to Vatican II** as an essential foundation of trust in the Diocese.

MRT Workgroup Foundational Recommendations

Foundational Themes - Cutting Across Workgroups:

1. Commit to a Partnership with the Laity to Restore Trust
2. Embrace the Opportunity to Act Voluntarily Now
3. Address the Needs of Survivors for Support & Healing
4. Provide Complete Transparency into the Scale of the Abuse in Both Human and Financial Terms
5. Ensure the Faithful Are Central within the Organizational Structures of the Church
6. Voluntarily Delegate Greater Authority to the Consultative Bodies in the Diocese
7. Establish Accountability with Periodic Review of Implementation
8. Engage the Leadership Roundtable
9. Revive the Spirit of Vatican II

1. ***Commit to a Partnership with the Laity to Restore Trust.*** We think it is essential for the Bishop to announce that he is committed to working in a genuine partnership with the laity and the clergy to undertake the types of things identified in this report. This must be a new type of partnership, one in which the laity is not merely represented but is consulted, heard and engaged as part of an ongoing partnership. This, we believe, is the essence of Co-Responsibility. The MRT stands ready to serve as one part of that partnership, but we also recognize that our lay movement remains at a nascent stage. We need to work to expand this movement into every willing corner of the Diocese.

2. ***Embrace the Opportunity to Act Voluntarily Now***. The situation in the Diocese is such that the Bishop should not wait for action by the Vatican or the USCCB. He should begin to act now, with us, and to do things voluntarily. Bishops in other dioceses are reporting good results from doing things that canon law permits them to do, even if it is not required. By starting now on these recommendations, the Bishop is showing sincerity in addressing areas the MRT is advancing. In tandem, if the Bishop were to address the spiritual component that would support the restoration of trust, the Bishop can also serve as our shepherd.

3. ***Address the Needs of Survivors for Support and Healing.*** Focusing on a comprehensive and integrated response to the wounds that priestly sex abuse has wrought through, among other actions, true solidarity with victims and healing, reflects three specific Workgroup recommendations: (1) that the Bishop provide for multiple avenues for victims to be heard through listening sessions both in one on one sessions and in groups (see e.g., Archbishop Hebda December 2018 letter on survivor outreach); (2) that the DOB increase the care and support provided to victims through pastoral care and a full spectrum of independent, trauma-informed counseling services, treatments and therapies; and (3) through more sensitive and responsive victim intake.

4. ***Transparency***. All Workgroups noted that the lack of transparency by the Diocese in the process of addressing child and vulnerable adult sexual abuse has significantly eroded trust in the Diocese. The Workgroups recommend complete ***financial transparency***, consistent with recognized best practices, of all relevant financial components of the current sexual abuse scandal, and disclosure of the ***depth and scale of the abuse itself in terms of both the victims and the perpetrators*** of the abuse on the DOB website following the format utilized by the Archdiocese of Boston, while taking care to address the due process rights of clergy.

5. ***Ensure the Faithful are Central within the Organizational Structures of the Church.*** We understand that the existing organizational chart is a collection of Diocesan offices and institutions that operate with the Bishop at the center. A better way of envisioning the type of diocese that would inspire trust is one in which the faithful are at the center, the beneficiaries of all that the Diocese and the Bishop does in his role as a servant leader.

6. ***Voluntarily Delegate Greater Authority to the Consultative Bodies in the Diocese.*** Multiple Workgroups had significant concerns about the composition, charge and authority (or lack thereof) in the Diocesan consultative body aligned most closely with their work. We recommend that the role of consultative bodies in the Diocese be examined and that the Bishop commit to re-energizing these bodies and more closely aligning them to their true purpose. As part of this, we feel these committees should be filled with laity (especially women) and clergy with the expertise, qualifications, independence and autonomy to properly discharge its duties. These recommendations align with Leadership Roundtable's conclusion that that these bodies consist of "experts with teeth."

7. ***Establish Accountability with Periodic Review of Implementation.*** As part of the implementation of these recommendations, we strongly believe that it would be important for the Diocese to work with us to develop a process that will ensure accountability. We envision a process in which the

Diocese would prepare a self-study on its success/failure at implementation of these recommendations and entertain an outside review by a team recommended by MRT comprised of lay people in the Diocese with expertise, who would be charged with issuing a public report of their findings.

8. ***Engagement of the Leadership Roundtable.*** The Diocese and MRT should engage Leadership Roundtable as national experts with the competence needed for working with the Diocese on the crisis. We believe this is also an opportunity for the Diocese to demonstrate leadership at the national level.

9. ***Revive the Spirit of Vatican II.*** A recommitment by the Diocese to a process of renewal on the essential teachings of Vatican II that would encompass education and programming throughout the Diocese (at the Seminary, within parishes and by the Diocesan Central office) is an essential part of restoring trust. This recommitment to the teachings of Vatican II must also be reflected in the organizational structures of our Diocese where there is greater empowerment of and meaningful participation by laity. This effort goes "above, beyond and outside" the current sex abuse crisis and may be a way to have the Bishop work with the MRT to commit to a process of renewal that could go a long way toward restoring trust.

Specific Workgroup Recommendations

Each Workgroup also had recommendations specific to their area of focus. The MRT Organizing Committee is still reviewing these recommendations and working with the Workgroups to finalize their reports.

Conclusion & Next Steps

This executive summary and our first meeting with Bishop Malone is the start of what we hope will be a series of conversations with the Bishop about how we can work together in a constructive partnership to move forward. This executive summary represents our first attempt to synthesize and reconcile the results of six different reports. The MRT Organizing Committee is continuing its work on finalizing the Workgroup reports and would welcome preliminary feedback from Bishop Malone on priorities for implementation.

We believe that it is imperative that meaningful, tangible, visible and public action within 30 days is critical to the journey to restore trust. The faithful of the Diocese are waiting for this report and for the response of the Bishop. They expect MRT to remain visible and active in the weeks and months ahead.

We think that a follow-up meeting with Bishop Malone prior to March 9 would be optimal as we are scheduling a public meeting of the MRT Workgroups on that day to share the results of the Workgroups. It would be ideal to be able to also report the Bishop's preliminary responses to our work.

SUMMARY OF RECOMMENDATIONS BY WORKGROUP

Introduction

Each of the six Workgroups of the Movement to Restore Trust met in-person an average of 5-6 times between December 8 and February 6, 2019. They consulted subject matter experts, studied foundational Catholic documents, and looked at best practices from across the United States. Some Workgroups consulted canon lawyers as part of their work; in other cases, we recognize that recommendations may go beyond what canon law currently provides. In all, the six workgroups produced over 50 pages of reports and draft recommendations.

This document summarizes the recommendations by Workgroup. There were some areas of overlap and some conflicting or duplicative recommendations need to be reconciled. This work is ongoing. By way of general observations, we would note the following:

1. Several of the groups recommended new oversight bodies or committees. The Organizing Committee has recommended as a Foundational Recommendation that the Bishop look at all consultative bodies to determine if they have an ongoing purpose, whether their charge should be clarified, and whether they ought to be given more responsibility. This would address some of the issues relating to consultative bodies but more work needs to be done to reconcile all of the recommendations in this area.

2. Related to no. 1, some of the groups made recommendations with respect to the Diocesan Review Board, which is mandated by the Dallas Charter. The Organizing Committee believes that before we can endorse a specific recommendation in this area, we need to study further exactly how the DRB is operating in the Diocese and how its operation could be improved.

3. Multiple groups recommended various methods (confidential, independent third parties, hotlines, EAP-style processes, fraud reporting systems) of reporting of concerns, by laity and by seminarians, of abuse and other acts of concern as well as complaints of misconduct by the Bishop.

4. There were several recommendations regarding oversight of the Bishop and the Diocese to ensure that we remain on track in implementing the reform recommendations. The Organizing Committee is recommending a periodic review of the Diocese's implementation of the MRT recommendations by a review team appointed by the MRT. The Organizing Committee is also recommending a periodic evaluation of the Bishop's performance, akin to a 360-evaluation.

5. As the time frame for the completion of these reports was quite short, there are areas in our reports that require further study or input from people with direct knowledge. Similarly, some recommendations may need to be reconsidered in light of the new Child Victims Act and the fact that the Diocese will be facing a number of lawsuits in which discovery will be mandated.

Group 1 –Transparency Around the Nature and Scale of the Abuse in the Diocese and Financial and Spiritual Reparations for Victims/Survivors

1. **Full Disclosure of the Depth of Abuse**
   We recommend the use and format of a website like that of the Diocese of Boston - Categories of Archdiocesan Clergy Accused of Child Sexual Abuse to report the names of priests with allegations against them. Our full report contains recommendations on the format and fields to be used.

2. **Ensure the competency, autonomy & independence of the DRB**
   We recommend that the composition and deliberation process of the DRB be reviewed to ensure it is adequately autonomous and independent and not controlled solely by the risk management and litigation process.

3. **Review, clarify and communicate the various due process standards applied to investigations**
   Our full report contains four pages of recommendations which we find to contain best practices (grounded in comparisons of the DOB policies and practices to those from the dioceses of several other cities (Albany, Boston, Charleston, Cincinnati etc.)).

4. **Significantly Improve the Sensitivity Shown to Victims and the Speed of the Investigative Process**
   Victims should: (1) be provided a list of independent, accredited trauma-informed/specific counselors and/or an independent hotline to take their reports of abuse; (2) have a victim advocate to guide them throughout the entire process (3) have access to a full spectrum of treatments and support services/therapies paid for by the DOB and provide by independent, accredited trauma-informed and trauma-specific counselors; (4) receive legal support from an Assigned Counsel program funded by the Diocese.

5. **Adhere to Due Process and Clarify the Standard for Reporting of Names of the Accused**
   We recommend that the rights of due process, fairness and independence be insured for all parties, both victims and those accused.

6. **Define and Improve the Process for Victim Intake & Support**
   The process for victim intake and support should be widely and publicly disseminated so that victims and their advocates can easily refer to it and so that the members of the church community also understand the process. Improvements should be made to the intake process for the victims of clergy sexual abuse and the nature and quality of support provided to victims.

7. **Support for Exonerated Priests & Their Reintegration into Priestly Life**
   Exonerated priests should have their legal costs reimbursed and the Diocese should have defined Diocesan processes designed to restore their reputation and ministry. Their brother priests should be trained in how to best support their return to ministry as well.

8. **Prevention, Training & Education**
   We recommend establishing a DOB Office for Pastoral Support and Outreach and a Clinical Consultation Board to support this office. We recommended DOB lead locally with best-practice, "evidence-informed" child abuse prevention training. Other recommendations: (1) improved training on trauma-informed care and power dynamics; (2) outreach to priests/seminarians; (3) expansion of "vulnerable adult" definition in the Code of Conduct; (4) DOB voluntarily adopt federal & NYS-compliant sexual harassment policies.

9. **Work to Effectively & Efficiently Resolve new cases under the Child Victim's Act -** With the enactment of the CVA into law in New York State, we urge the Diocese to aggressively work to resolve cases as soon as possible and commit to working effectively and efficiently with victims and their legal counsel.

Group 2 –Transparency about all diocesan operations

1. **Governance Structure acknowledging the importance of the faithful as participants and primary recipients**
   We are recommending that the Diocese create a governance structure, consistent with Canon Law and best practice that recognizes the faithful as the ultimate source of all funds and beneficiary of all the services of the diocese.

2. **Provide complete financial transparency, consistent with recognized best practices, of all relevant financial components of the handling of sexual abuse cases**
   This includes (1) detailed information about quantifiable costs, sources of funds, past and future, and the financial impact of non-quantifiable costs; (2) complete financial accounting of previous sexual abuse claims, including all costs and all sources of these funds; and (3) financial estimates from potential future sexual abuse claims. The full report contains an Attachment "A" which details the content of the financial disclosure.

3. **Diocesan Financial Transparency**
   Institute recognized best practices regarding all financial matters within the Diocese to insure appropriate transparency for the faithful of the Buffalo Diocese. The report contains 2.5 pages of specifics.

4. **Empower and Expand the Oversight of the Financial Council**
   We recommend that the diocesan Finance Council be empowered to assume the expanded responsibilities that are specifically addressed in sections 492, 493 and 1277 of Canon Law. The effect of this would be to raise the current level of oversight from a largely advisory function to a more consultative and consensual role. The majority and the chair should be lay persons.

5. **Institute Best Practices Regarding Parish Financial Matters**
   Our recommendations here included training, process, reporting and communication so that parish financial information is able to answer the basic question of what happens to every dollar collected at the parish.

Group 3 - Accountability for bishops

1. **Bishop commits to sharing responsibility for the health and holiness of the Diocese with clergy and laity**[3]
   While recognizing that some sharing of responsibility, especially what is required by Canon Law, is already in place, the group strongly recommended that the Bishop give all DOB consultative bodies actual authority to make decisions and ensure they are fully informed with relevant data to do so. Further, whenever the Bishop does not implement a recommendation of

[3] N.B. Other groups had recommendations similar in foundation (see 1.F, 2.A, 2.E, 3.A, 4.A, 4.B, 5.D). The prominence of the appearance of this theme, given the fact that the groups worked independently of one another) was notable.

a consultative body, he will provide that body a written explanation of his rationale. Additional recommendations included implementing term limits for each of the consultative bodies and using vacancies to create diverse teams (with members representing the makeup of the Diocese).

2. **Establish performance expectations and goals for the Bishop which will be regularly reviewed by the Faithful**
   We recommend that a consultant body should be used to assist the Bishop in articulating his responsibilities with time bound goals which will be published on the diocesan website, along with progress toward goals and corrective action.

3. **Apply sound organizational practices to all key processes in the Diocese**
   The Bishop should immediately engage Leadership Roundtable and commit to leading the necessary culture change to move our Diocese forward and to working with Leadership Roundtable to put in place a mechanism to regularly assess progress against the commitments made in concert with the Movement to Restore Trust. Priests must be provided a mechanism to have a voice and be heard.

4. **Ensure laity access to and regular interchange with the Bishop**
   The periodic report to the Pope by the Bishop is an opportunity for this access and regular interchange and input from the faithful. "Real time" information about what is happening in the Diocese as well as progress against defined metrics should be consistently shared with the Faithful. The laity and clergy should have access to the Bishop through transparent mechanisms for regular communication.

Group 4 - Lay involvement in selecting and monitoring bishops

1. **Input from the laity on Diocesan Leadership**
   Input from all the faithful, before a Bishop is assigned to a particular diocese should be reinstituted to enable a better matching of shepherd to the needs of the diocese's clergy and laity.

2. **Process of Nomination of Priests for consideration of Ordination to Bishop**
   The institution of a consultative process for nominating priest names by clergy and laity would create another resource to be considered by the Pope.

3. **Bishop Tenure**
   The adoption of tenure requirements would strengthen the role of the laity in addressing the corporal needs of the faithful, continue to create a transparent environment and allow the Bishop and clergy of the diocese to focus on their role as shepherds.

4. **Evaluation/Review of Bishop Performance**
   Establishment of a process of independent evaluation and recommendations to provide feedback to the Bishop and to the diocesan faithful of the "state of the diocese" would bring additional transparency and affirmation on the "performance" of the diocese under the control of the Bishop.

5. **Establishment of an independent process of reporting misconduct or impairment**
   The recommendations contain references to voluntary processes for reporting already put in place in the Dioceses of Chicago and Jefferson City and strongly recommend that the DOB institute something similar.

6. In addition, Workgroup 4 notes that there are problems with the **Bishop's lack of actual accountability to the recommendations of Diocesan Consultative Bodies** and the lack of an "appeal" process for any of these bodies.

Group 5 - Greater involvement by women/laity in the Church

1. **Renewal of Vatican II Theology and Ministry throughout the Diocese**
   We recommend that the Diocese initiate an education process flowing from Vatican II for parishes, organizations and the Seminary to renew the People of God (both laity and clergy) and enhance the understanding and appreciation of our common call to holiness and the complementary roles of clergy and laity in the life of the Church.

2. **Increased Roles for Women**
   Empower more lay women to prepare for and take on lay Ecclesial Ministries and invite qualified women to have active roles in leadership and decision-making, both at the diocesan and parish levels. Support the restoration of the Permanent Diaconate for Women in the Church, should the US Conference of Catholic Bishops initiate this restoration.

3. **Support for Inclusive Parish Life**
   The Diocese must provide a process for direct communication between parishioners and bishop, with a goal to have the key stakeholders in each parish collaborate with the bishop for the purpose of assessing and evaluating the effectiveness and efficiencies of ministries, thus creating an outcomes-based and inclusive foundation for decision making.

4. **Shared Governance**
   The Diocese should consider a new shared governance model for parishes and the diocesan central administration.

Group 6 - Improvements in formation of priests and priestly life

1. **An added focus on the "human" pillar within seminary formation**
   We recommend several ways in which the Seminary could increase its focus on the Human pillar in the formation process. We also think that the Diocese should consider relocation of the seminary to an urban setting, perhaps to a college campus.

2. **Transparency and accountability in psychological services**
   We recommend several enhancements in providing psychological services in the formation process.

3. **Continued formation and accountability for our current and future priests**
   Require priests to participate in continuing education and be accountable for having done so; identify competent and confidential resources to assist clergy in self-care, psychological and emotional health and general well-being; further enhancement of the program that trains for

homiletics; focus on a leadership model which recognizes that he who would be first must be the last and the servant of all.

4. **Integration of priests into parish and family life as well as safeguard them against isolation and the establishment of unhealthy ways of relating**
   We recommend: (1) a more communal model of living for priests; (2) providing additional resources for parishes to manage the "business" of the church so that priests may focus their time primarily on their gifts, multi-dimensional business, organizational, human, spiritual, and pastoral tasks of parishes, with full participation of women; (3) that parish communities make deliberate efforts to integrate a priest into the church community through socializing, and invitations into homes amid families.

WORKGROUP 1 - TRANSPARENCY AROUND THE NATURE AND SCALE OF THE ABUSE IN THE DIOCESE AND FINANCIAL AND SPIRITUAL REPARATIONS FOR VICTIMS/SURVIVORS

Trust and Recovering Trust

As noted by Pope Francis in his January 2019 letter to the Bishops:

> The Church's credibility has been seriously undercut and diminished by these sins and crimes, but even more by the efforts made to deny or conceal them. This has led to a growing sense of uncertainty, distrust and vulnerability among the faithful. As we know, the mentality that would cover things up, far from helping to resolve conflicts, enabled them to fester and cause even greater harm to the network of relationships that today we are called to heal and restore.

The lack of sufficient transparency, accuracy, timeliness and completeness of reporting of the nature and scale of sexual abuse, either by design or error, has eroded trust in the Diocese of Buffalo (DOB or Diocese) significantly. The lack of formal abuse status reporting by the DOB continues to give parishioners and the public the perception that the Diocese is continuing to be less than forthright. Trust will not be restored into the Diocese unless it becomes fully transparent.

As noted by Edelman, a reputation consultancy firm who has been researching trust for decades,"[w]hen a material breach of trust erupts, a company must act with certainty to regain trust and market leadership."

Edelman also notes (emphasis added):

> "During a recovery campaign, business ***leaders will be judged on their competency, transparency and guardianship***.
>
> They prove their competency through an effective response that instills confidence that the company understands the scope of the problem and is applying the necessary remedies.
>
> They act transparently by living out their values with integrity.
>
> They display guardianship through empathy, care and concern that places others ahead of the company's interests and profits."

In addition, while efforts have been made to provide financial and spiritual reparations, those efforts have been inadequate and appear to have been driven by a desire to reduce risk and liability for the Diocese of Buffalo rather than a desire to be accountable and supportive of victims of child or vulnerable adult sexual abuse. In the language of the Pope:

> Credibility is born of trust, and trust is born of sincere, daily, humble and generous service to all, but especially to those dearest to the Lord's heart (cf. *Mt* 25:31-46). It will be a service offered not out of concern with marketing or strategizing to reclaim lost prestige or to seek accolades, but rather – as I insisted in the recent Apostolic Exhortation *Gaudete et Exsultate* – because it belongs to "the beating heart of the Gospel".

In the language of the Edelman trust restoration model, the actions of the Diocese do not seem to display transparency or guardianship but seem instead motivated by a desire to mitigate risk.

While the financial support provided to victims may be inadequate, it is particularly concerning that a religious and spiritual organization would struggle to provide meaningful and best practice emotional support and spiritual reparations to those it has harmed. And yet, this appears to be the case – support of victims/survivors and ownership and accountability by the Diocese have been woefully inadequate relative to the harm caused to victims.

Synopsis: The Courage and Contributions of Survivors & Callous Disregard for Their Trauma & Injury

Until very recently,[4] and in the opinion of some continuing into current times, the Diocesan response to clergy sex abuse appears to have been motivated by a desire to preserve the institution of the Church and personal reputations of the clergy involved rather than focusing on pastoral concern for victims. Based upon public reporting and statements to our group, survivors of clergy sexual abuse have advised that they were abused by clergy who had previously abused others, yet the abusers continued to be assigned to parishes and the abuse was not reported by the Diocese to the laity or civil authorities; other survivors who did come forward to the Diocese about their abuse were further traumatized by the response from the DOB from their initial contact with the Diocese when filing their claim and throughout the entire process as the process is not trauma-informed; victims have reported being chastised by Diocesan representatives; some victims have voiced a failure of the Bishop to personally meet with them at all or without Diocesan counsel being present; and a failure by the Diocese to recognize the impact of the clergy sexual abuse on the victim and necessary support for victims that may include long-term evidence-based counseling.

We want to specifically acknowledge the courage and contributions of several of our committee members who are survivors of clergy sexual abuse. These individuals, as well as experts in our workgroup who work with victims to address issues of child and vulnerable adult sexual abuse, provided us with the framework upon which many of our recommendations were formed. Additionally, we have researched policies from other dioceses throughout the country that have been developed in response to the Dallas Charter and have been updated more recently in response to the current crisis of clergy sexual abuse. We find these policies contain best practices in responding to allegations of child sexual abuse and we have included these best practices in our recommendations. We believe that that the existing procedures in the Diocese of Buffalo have not adequately considered the impact of this abuse on the victims nor needs of the survivors. Our recommendations consider due process for all parties involved.

Comprehensive Themes of Our Recommendations

Participants recognized that the Catholic Church in the United States and in the Diocese of Buffalo:

- is experiencing a twin crisis: the sexual abuse of children and vulnerable adults, as well as leadership failures that have led to distrust,
- the two crises are interrelated for the sexual abuse crisis resulted from a set of leadership and management practices that permitted, and covered up the abuse,
- must place the victims/survivors first in all areas of responding to the crisis,
- needs radical transparency, radical accountability, and lay-clergy co-responsibility; this is not a time for "business as usual",

[4] There does seem to be a material improvement in addressing issues since about 2002-03 when The Charter for the Protections of Children and Young People (hereinafter referred to as "the Dallas Charter") was adopted. Unfortunately, the scope of the historical abuses and inadequate responses, as well as more isolated recent failures, make it very challenging for the faithful and the more general public to trust that this is the case.

- needs clearly articulated and established leadership roles for lay and clergy that provide accountability and co-responsibility,
- must thoroughly identify and address the root causes of the egregious leadership failures and cover-up,
- needs consistent, transparent communication from every level, including the Vatican, the USCCB, and dioceses, and
- must rebuild trust through an intentional and systematic process that leads to long-term transformational change.

Past & Future Cases, including those under the Child Victim's Act

All of our recommendations apply to both past and future acts and none of our recommendations are changed in light of the passing of the Child Victim's Act.

Summary of Specific Recommendations

1. Full Disclosure of Depth of Abuse

2. Ensure the competency, autonomy & independence of the Diocesan Review Board. And then rename it the Independent Review Board.
    a. Membership in & Deliberations of the DRB

3. Review, clarify and communicate the various due process standards applied to investigations
    a. Clearly defining the appropriate standard of proof for preliminary investigation
    b. Standard for Triggering the Preliminary Investigative Process

4. Significantly Improve the Sensitivity Shown to Victims and the Speed of the Investigative Process

5. Adhere to Due Process and Clarify the Standard for Reporting of Names of the Accused
    a. Reporting of Allegations

6. Define and Improve the Process for Victim Intake & Support
    a. Victim Allegation Intake Process
    b. Victim Healing & Support
    c. Victim Legal Support

7. Support for Exonerated Priests & Their Reintegration into Priestly Life

8. Prevention, Training & Education
    a. Prevention & Victim Outreach
    b. Outreach to Priests, Deacons & Seminarians
    c. Trauma-Informed Training
    d. Power Dynamics
    e. Expansion of the Definition of Vulnerable Adult in the Code of Conduct
    f. Waiver of Ministerial Exception & Adoption of Sexual Harassment Policies & Procedures

9. The Child Victim's Act

Detailed Recommendations

1. **Full Disclosure of Scope, Scale and Depth of Abuse**

   The Charter for the Protections of Children and Young People (hereinafter referred to as "the Dallas Charter" revised by the US Conference of Catholic Bishops in 2005, 2011and 2018) requires open and transparent communication with the public about the sexual abuse of children within the confines of respect for the privacy and the reputation of the individuals involved. (See Dallas Charter, Article 7 page 12.)

   Working Group 2 addressed the need for greater financial transparency, the details of what the financial disclosures should include and specific recommendations on changes to organizational structure to increase operational transparency overall. See their report on page 33. The focus of Working Group 1 is on the need for greater transparency regarding the abuse itself.

   Our recommendations here are two-fold:

   a. Improved reporting of the names of any clerics who have been offered due process and been found to have "credible/substantiated" allegations against them. See section 2.b-f below for our recommendations on due process and the need for improved definition around the relevant due process standards ("semblance of truth," "credible," and "substantiated"). With the exception of the reporting of the names of all clerics with "allegations" regardless of whether due process has been afforded to the priest, we recommend that both the use of a website and the format of the reporting follow that of the Diocese of Boston - Categories of Archdiocesan Clergy Accused of Child Sexual Abuse or the USA Northeast Province Jesuits.

   b. In addition, we believe that restoring trust would be enabled by increased sharing of anonymized information concerning victims and priests. We believe that disclosure of this information should also be on a Diocesan website made available to the public. This should include additional information concerning all victims who have made an allegation, their alleged abusers as well as further information describing the abuse and the outcomes of the various investigative and legal processes. We recommend that this information should be reported in a database form (See Appendix for fields to be included) on the website where the following information is reported for each allegation:
      i. the victim identified by a uniquely assigned number to protect anonymity but to allow patterns to be seen; e.g., V1, V2 etc.
      ii. the accused priest should similarly be listed, e.g., P1, P2 etc, however where there is a credible/substantiated allegation the priest should be listed by name
      iii. the nature of the abuse, date of occurrence and whether the abuse has been reported and to whom it was reported;
      iv. description of the outcome, including the Diocesan Review Board findings, reporting to the authorities, legal and canonical outcomes
      v. any consequences for the alleged perpetrator as well as all locations to which the perpetrator was assigned or relocated and is now residing;
      vi. accounting of all payouts and counseling offered to the victim to date;

In addition, the same publicly available Diocesan website should publish the Diocesan document disclosure and retention policy, as well as report in some way on the current existence of documents and the destruction of any historical documents with the date of destruction and reason for destruction. Finally, within the bounds of Canon law, any secret files which still exist should be opened and made available to the DRB and the Guardian of Trust for full review and inclusion in the database.

2. **Ensure the competency, autonomy & independence of the Diocesan Review Board. Then rename it the Independent Review Board.**

a. Membership:

The *Diocese of Buffalo Policy and Procedures for the Protection of Children, Young People and Vulnerable Adults* comports with the Essential Norms - (Ftnt. *Essential Norms,* sec. 5) in providing that the Diocesan Review Board must be composed of at least five (5) persons of outstanding integrity and good judgment in full communion with the church. The Essential Norms also require that the majority of the Review Board members must be lay persons who are not employed by 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 must be a person with particular expertise in the treatment of sexual abuse of a child. (*The Diocese of Buffalo Policy and Procedures for the Protection of Children, Young People and Vulnerable Adults,* section V. Offices to Assist the Diocese, Review Board, p.8)

Pursuant to the DOB policy, the Diocesan Review Board functions as a confidential consultative body to the Bishop in discharging his responsibilities. The Review Board advises the Bishop in his assessment of allegations or suspicions of child or vulnerable adult abuse and sexual abuse of a child or vulnerable adult, and in evaluating suitability for ministry or employment. The policy also states that the Diocesan Review Board will review and, if appropriate, revise this policy no less often than once every five years. The Review Board will meet periodically and offer advice on all aspects of allegations or suspicions of child or vulnerable adult abuse and sexual abuse of a child or vulnerable adult, whether retrospectively or prospectively.

The current Diocesan Review Board is current comprised of (7) seven members appointed by the Bishop, each with a 5-year term. The current members are:

1. John Coyne, M.D. Child Advocacy Center of Niagara County;
2. Lee Coppola, Esq.;
3. Sr. Ann Marie Joblonicky, CSSF
4. Alfred F. Luhr, III
5. Hon Salvatore Martoche,
6. Sr. Mary McCarrick, OSF
7. Msgr. Jerome Sullivan, POJ {Promotor Of Justice}

b. Deliberations

In addition to the official members of the Diocesan Review Board who are all appointed by the Bishop, it is our belief that the Diocese's attorneys (Terry Connors, Esq., Lawler Quinlan, Esq., Connors LLP,) and Victim Assistance Coordinator (Jacqueline Joy) routinely attend and participate in meetings and deliberations of the Diocesan Review Board. In our opinion, this

process, at a minimum, gives the appearance and perception that the process is not sufficiently independent and credible.

We recommend that:

1. The DRB be renamed the Independent Review Board. Following the example of the Diocese of Pittsburgh, we suggest that after the changes above are made, that the body be renamed the ***Independent Review Board.*** Words matter and this change will communicate the impact of the other changes recommended.

2. The Independent Review Board should be comprised of at least seven members, four of whom are members of the laity chosen by the MRT and the other members shall be appointed by the Bishop.

3. There should be a sub-committee of the Independent Review Board to be responsible for reporting back to the laity in the Diocese to build on the themes of accountability and partnership with laity.

4. Diocesan lawyers and employees not attend or participate[5] in the meetings and deliberations of the Independent Review Board.

5. The Independent Review Board shall update the *Policy and Procedures for the Protection of Children, Young People and Vulnerable Adults* at least every three years.

6. All members of the Independent Review Board shall be trauma informed and be educated on the dynamics of and impact of child/vulnerable adult sexual abuse, to effectively assess allegations of child or vulnerable adult sexual abuse.

7. Should victims of clergy abuse wish to meet with the Independent Review Board, we believe that the IRB, as reconstituted, should be required to do so, accompanied by their independent Victim Advocate (see 3.a. ***Victim Allegation Intake Process*** below).

3. **Review, clarify and communicate the various due process standards applied to investigations**

   a. Clearly define and publicly communicate the appropriate standard of proof for preliminary investigation of a complaint of child or vulnerable adult sexual abuse.

   The Diocese of Buffalo Policy does not clearly recite the standard of proof for investigation of a complaint of child or vulnerable adult sexual abuse. The Policy recites that:

   > "If there appears to be any credibility to a complaint deemed by the Bishop or Vicar General to be serious, the accused will be relieved of responsibilities and placed on administrative leave, pending the outcome of the investigation."
   > (DOB Policy, III. Institutional Response To Complaints And Allegations).

[5] This recommendation may warrant further discussion with victims, both those who have not yet been through the process and those who have, to better understand their preferences. The concern of the Work Group was that the process be restorative and sensitive to the victims and not unduly influenced by concerns of litigation and monetary risk.

As noted in a December 2018 America Magazine article, different dioceses and religious orders use differing language ("substantiated," "credible") and definitions.[6] And in fact, although the DOB uses both "credible allegation" and "substantiated allegation," neither is well-defined in the Diocese of Buffalo policy.

In addition, there should be differing standards for determining what needs to be investigated, what is appropriately shared with the public and what results in canonical delict consequences for an accused priest.

After a review of the policies from the dioceses of several other cities (Albany, Boston, Charleston, Cincinnati etc.) it is apparent that the Buffalo policy is lacking in direction and clarity – it is too ambiguous, therefore leaving too much to interpretation.

b. Clearly define and publicly communicate the standard for Triggering the Preliminary Investigative Process

As stated in the America Magazine article: "Canon law (the universal legal code of the Catholic Church) does not use the language of credible or substantiated but instead mandates the investigation of any offense against church law 'which has at least the semblance of truth.'" See Canon 1717, sec.1.

We recommend that the Diocese of Buffalo Policy clarify the standard of proof for initiation of a preliminary investigation using language recited in the policies of other dioceses which have their basis in Canon 1717, sec 1. For example, the policy of the Diocese of Charleston contains the following definition: "1.22 Semblance of Truth: The criterion that distinguishes an allegation as not manifestly false or frivolous. If an allegation has a semblance of truth, it triggers the preliminary investigation." (p 10)

In addition, the Archdiocese of Boston policy states that "The Archbishop will decree the initiation of a preliminary investigation when a complaint of child abuse by a cleric has at least the semblance of truth. (Canon Law 1717)." (p 65)

4. **Significantly Improve the Sensitivity Shown to Victims and the Speed of the Investigative Process**

It is incredibly important to have an optimal investigative process to improve the experience of the victim/survivors as they come forward. See this America Magazine article about the need for a "eucharistic response" to the sex abuse scandals.

Some of our recommendations are focused on improving the timeliness and transparency of the process. Equally important is improving the empathy shown during the process and truly listening to victims. The power of hearing and listening as a means of healing cannot be underestimated. We believe that failures to listen and hear the victims has significantly contributed to the trauma that they have suffered. The stories that victims/survivors have shared indicate that many feel re-victimized by the intake and investigation processes. This lack of

[6] https://www.americamagazine.org/faith/2018/12/20/if-priest-credibly-accused-sexual-abuse-what-does-mean-depends-whom-you-ask

sensitivity has contributed significantly to the erosion of trust in the Diocese. If there are misperceptions in this regard, with respect to what the Diocese has done, we believe it would be in the best interest of the Diocese and the laity for the Diocese to communicate and share that and visibly demonstrate what it has done.

a. Standards for an Investigation:

Under the Diocese of Charleston policy, any allegation receives a preliminary/internal investigation by the Diocesan investigator. (See Section XIV. Investigation of Allegations, p 35). Under the Archdiocese of Boston policy, a preliminary investigation is decreed by the Archbishop when a complaint "has at least the semblance of truth, unless such an investigation is clearly unnecessary." (p65).

b. Qualifications of the Investigator:

The Diocese of Buffalo Policy provides "The Bishop or Vicar General will appoint an investigator. The investigator will be directed to complete the investigation within 45 days, unless circumstances dictate the need for more time. The appointed investigator will obtain legal advice, both civil and canonical, as necessary." (III. Institutional Response To Complaints And Allegations).

The DOB policy does not specify any qualifications for the investigator of child or vulnerable adult sexual abuse complaints. We recommend that the policy recite that any investigator appointed by the Bishop to investigate child or vulnerable adult sexual abuse complaints have trauma informed training and experience investigating these cases including education on the dynamics of and impact of child/vulnerable adult sexual abuse.

c. Investigative Process:

The Archdiocese of Boston provides that the Delegate for Investigations will conduct the preliminary investigation with the assistance of an investigative team. The Delegate is to seek information that indicates whether the alleged act can be canonically proven, whether it is actionable according to the law of the Church and which a canonical penalty may be lawfully imposed. Members of the investigative team include a canon lawyer, clinical specialists in the field of child sexual abuse and professional investigators. (Archdiocese of Boston Policy, Art 9, p 69).

As we understand it, the investigative process is currently a bottleneck to cases being presented and resolved by the DRB. In our opinion, this is because there need to be two (2) additional full-time equivalent investigators added. Ideally, these investigators would be a balance of male and female investigators so that victims have an opportunity to speak with an investigator of either gender. In addition, the Diocese should consider whether it would be preferable to have these 2 FTEs be filled with 4 PT investigators to create greater flexibility. We recommend that these additional investigative resources be added as soon as possible.

We further recommend that the Diocese of Buffalo policy detail the investigative process to be followed, which should include interviewing the victim and others. Additionally, we recommend that the policy recites that the Diocese advise victims of the status of the investigation while it is underway and after it has concluded. Such a process would be following the policy and practices of The Diocese of Cincinnati which states that the investigation is to be coordinated with and must not interfere with, any civil investigation and

is to include, whenever possible, interviews with the person alleging the abuse, the accuser, the accuser's parents or guardians, the person making the report, the accused person and any other person who have knowledge about the situation. (*Diocese of Cincinnati* policy, p.22 subdivision f.)

In order to protect the rights of all involved, the accuser, the accused and the Diocesan community, investigations of clergy sex abuse need to be thorough, yet completed in a timely fashion (usually within 45 days of the receipt of the complaint).

d. Review of Allegations by the Diocesan Review Board:

The Diocese of Charleston Sexual Abuse Advisory Board must meet and review the results of any investigation which is determined to have a Semblance of Truth. The internal processes of that body determine whether the allegation is credible. (See Section XII Sexual Abuse Advisory Board, 12.10 Process to Assess the Credibility of an Allegation, p 33). In Charleston, Credible Allegation is defined as "An accusation which at least seems to be true (Canon 1717, Section 1), and/or offers reasonable grounds for being believed. A credible allegation is not manifestly false." (Section 1: Definitions, 1.07, p 7). Further, if that body assesses the allegation to be credible or concludes there is sufficient evidence that sexual misconduct or abuse of a minor has occurred, the Bishop then decides whether to accept the recommendation and if he does, will pursue additional canonical or administrative processes. (p 37).

The Archdiocese of Boston Review Board reviews the investigatory report and proceedings and offers the Archbishop an independent report and may make a recommendation "that the complaint appears to have been substantiated and supported by sufficient evidence." (p 76 – other possible findings are also outlined). If the Archbishop then, among other possible actions, "determines that he has at least probable knowledge that the accused cleric has committed the offense, he will close the preliminary investigation and transmit the proceedings of the investigation to the Congregation for the Doctrine of the Faith." (p. 77).

5. **Adhere to Due Process and Clarify the Standard for Reporting of Names of the Accused**

Currently the DOB investigative process provides that the accused has the right to present evidence to an investigator, to be represented by civil and/or canonical counsel, to be notified of the particulars of the allegations and to due process of law in accordance with Canon Law.

We recommend that the rights of due process and fairness be insured for all parties, including accused priests (who should be allowed to appear before the review board), involved in the investigation and resolution of any and all allegations of clergy sexual abuse. The independence of the investigation process is paramount in maintaining trust in the process.

Although none of the sample policies reviewed clearly indicates the standard against which a determination is made that the accused name will be made public, it does appear that "credible," "probable," and "substantiated" are all used as the highest standard by either the Review Board for Referral to the Bishop for action or by the Bishop for referral to the Doctrine of the Faith. The Essential Norms use "admitted or established."

It is worth noting that the DOB, at least in a the most recent press conference, uses the "substantiated allegation" language that appears to be in keeping with other practices.

The major issue may be the lack of clarity in the DOB policy of the standards for determining what needs to be investigated, what is appropriately shared with the public and what results in canonical delict consequences for an accused priest which leads to a sense of distrust. In addition, the rule for deceased priests, which is currently understood to be that a name is not publicized unless more than one allegation is submitted and deemed credible seems excessive, particularly in light of the public disclosure of names expected under the statute of limitations window under the Child Victim's Act. We recommend that the standard for sharing the name of a deceased priest be the same as that for sharing the name of a living priest. If the allegation is deemed credible or substantiated by the Review Board, then the name of the cleric should be made public.

Reporting of Allegations[7]

We understand that the current process for the investigation of allegations of clergy sexual abuse was developed based upon the Dallas Charter process which includes referral to the public authorities for investigation and prosecution.

The DOB should clearly state and publicly communicate on its website that it adheres to the requirement that any allegation of child or vulnerable adult sexual abuse by a cleric, diocesan employee or volunteer that is received by any Diocesan employee or volunteer MUST be reported to civil authorities – namely the District Attorney or law enforcement. (See Diocese of Albany, Diocese of Cincinnati, Diocese of Charleston, Archdiocese of Boston.)

While the statute of limitations for criminal prosecution of sex offenses may preclude the filing of criminal charges even where there may have been credible allegations of clergy sexual abuse, all allegations of clergy sexual abuse are to be referred to the civil authorities. The determination of whether to criminally prosecute any claim of clergy sexual abuse is to be made by the District Attorney's Office, not by the Diocese of Buffalo.

6. **Define and Improve the Process for Victim Intake & Support**

There should be improvements in the process for the victims of clergy sexual abuse, guiding them from intake through completion of the formal process which includes restitution and long-term trauma informed responses. There also needs to be improvement in the nature and quality of support provided to them, recognizing that the ideal course of treatment may not be the same for all victims. Finally, the process for victim intake and support should be widely and publicly disseminated so that victims and their advocates can easily refer to it and so that the members of the church community also understand the process.

a. Victim Allegation Intake Process:

The current DOB intake process for victims of child or vulnerable sexual abuse by a member of the clergy, diocesan employee or volunteer is through a single mental health therapist who works as an independent contractor to the Diocese but also has full-time employment obligations to Catholic Charities where she is on staff. We believe that one person does not have sufficient bandwidth to handle the volume of allegations. There is also a perception, by laity and by victims, that the connection to Catholic Charities gives at least

[7] If criminal charges of sexual abuse are filed and prosecuted and the defendant is convicted of a sex offense as defined in the N.Y.S. Penal Law, the defendant is required to register as a sex offender and this information is published on the N.Y.S. Sex Offender Registry.

the perception the process is not sufficiently independent. In addition, we are concerned that counseling services are currently provided by a range of providers (not exclusively through Catholic Charities) who may not all be trained in trauma specific therapies. This level of training is important to ensure that we are appropriately responsive to the needs of victims.

Accordingly, the intake process should be improved as follows:

i. Intake should be by a counselor, selected from a list of independent, accredited trauma-informed/specific counselors who have been thoroughly vetted. We recommend that ***at least two (2) intake counselors be added to increase the capacity and timeliness of the intake process***. We also believe that there might be merit in using an EAP type call center option.

ii. ***After intake, victims should be referred to meet with independent victim advocate who is trained in assisting victims of child and adult sexual abuse***. The victim advocate will be a single point of contact and support for the victim as they engage with the Diocese after intake and up through and including resolution of the matter. In other words, we feel victims should not have to manage the process alone. We believe that such a role could avoid the potential sense of revictimization felt when victims pursue their claims of abuse.

iii. Victims should also be provided resources and referred to Assigned Counsel attorneys who can assist them throughout the intake process through resolution of the matter. See ***Legal Support for Victims*** below.

In addition, victims should be able to meet directly with the Bishop (without Diocesan counsel present if the victim so requests) with the goal of the Bishop listening and serving as a witness to the victims account – all as part of the healing and accountability process and in line with the Bishop's pastoral role as outlined by the Pope's recent letter.

b. Victim Healing & Support:

Victims of clergy sexual abuse report that they have not received responses from the Diocese of Buffalo that are appropriate for the trauma that they have endured.

We recommend that the DOB look to practices in place in the Archdiocese of Boston and the Diocese of Cleveland which are based in the theory of restorative justice[8] to victims of clergy sexual abuse.

We further recommend that the Diocese of Buffalo should provide a full spectrum of treatments and supportive services and therapies for victims/survivors of clergy abuse, paid for by the Diocese and provided by independent, accredited trauma-informed and trauma-specific counselors. A list of such counselors should be developed and made available for victims/survivors of clergy abuse through the Office of Pastoral Support and Outreach. We further recommend that this opportunity be extended to victims who may have already settled their claims, but perhaps some time ago and without sufficient understanding of what would be needed to support their recovery.

[8] The Diocese of Cleveland Policy definition: "Restorative Justice is a systematic response to criminal acts that emphasizes healing the wounds of victims, offenders, and the affected community. … Reparation, restitution and healing are critical elements in this process." (p 25).

Finally, we believe that the Bishop should conduct monthly victim/survivor listening sessions and offer periodic (weekly) individual appointment opportunities for "the voice of survivors to be regularly heard" and tell their stories as part of their healing. This could be modeled on what Bishop Hebda and Bishop Persico have implemented in their respective dioceses. As Cardinal Blase Cupich has stated "Our words of apology don't mean anything unless we're in touch with that and sit across from victims and really allow ourselves to be impacted by the trauma, the pain that they suffered …. victims always come first."

In addition, the Diocese should announce that victims that have previously settled with the Diocese and signed non-disclosure agreements are no longer bound by that obligation to remain silent, following the model of the Archdiocese of Saint Paul and Minneapolis.

c. Legal Support for Victims

We believe that the Diocesan attorneys are paid by funding from laity to represent the administration which is responding to complaints of clergy sexual abuse complaints. Currently victims need to identify and pay for their own legal counsel when attempting to address their complaints with the Diocese. We believe that this results in many victims of clergy sex abuse having to hire attorneys who work on a contingent fee basis or proceeding without counsel.

We would like to recommend that the Bar Associations of each county establish a referral program to attorneys to provide legal assistance to victims of clergy sexual abuse. We feel the attorneys should be independent of the Diocese, have expertise in handling child sexual abuse cases, be trauma informed and should only have a duty to the victim, /client. Grant funding might also be available to establish such a program.

We feel that legal representation for victims should be continued during settlement discussions and victims should also have the assistance of a victim advocate throughout the entire process, including during settlement discussions.

7. **Support for Exonerated Priests & Their Reintegration into Priestly Life**

To the extent individual priests are responsible for their own legal costs, should the allegation not be admitted and further be determined to not be credible, probable, substantiated or established, we believe that the legal costs of that priest should be reimbursed by the Diocese. The priests who do not have substantiated allegations are in many ways themselves victims of the loss of trust in the Diocese and may not have incurred these costs were it not for the scandal.

In addition, we acknowledge the wisdom and benefits of placing priests with serious allegations meriting investigation on leave during those investigations. However, we believe that there could and should be improvements for when an accusation is found to be not substantiated or not meriting removal from a position or ministry. The Diocese should have a defined process it follows to restore the reputation of the accused and effectively restore them to ministry. Their brother priests should be trained in how to best support their return as well.

8. **Prevention, Training & Education**

a. Prevention & Victim Outreach

We recommend following a comprehensive process such as the one established in the Archdiocese of Boston which includes an Office for Pastoral Support and Outreach staffed by lay professionals who offer support, outreach and referrals for professional assistance to persons who report having been sexually abused by clergy, diocesan personnel or volunteers.

The Boston Office for Pastoral Support and Outreach is staffed by licensed professionals and qualified advocates, each of whom has expertise in addressing the needs of persons harmed by child abuse. It is led by a Director who (1) has knowledge of the psychological and spiritual resources that may be offered to persons seeking assistance and their families; (2) is capable of collaborating with therapists, pastoral counselors and other professionals; (3) is able to foster cooperation with social service agencies and support groups.
We recommend that a DOB Office for Support and Outreach be established, led by a Director with equal qualifications and staffed with victim advocates who work with survivors of child sexual abuse and who will meet with victims who contact the Diocese at the time they initiate contact with the Diocese to assist them early on in the process.

Following the Archdiocese of Boston process, we also recommend the establishment of an Advisory Board of the Office for Pastoral Support and Outreach to assist the Director in his/her responsibilities including evaluating the pastoral support and outreach given to persons seeking assistance, their families and archdiocesan institutions to promote transparency and best responses in restorative justice.

We further recommend that the DOB adopt the Archdiocese of Boston process which instituted a Clinical Consultation Board to assist the Director of the Office for Pastoral Support and Outreach. The Clinical Consultation Board proposes guidelines for clinical practices for the care of those harmed by child abuse by clergy, diocesan personnel and volunteers, families of these persons, parishes or other institutions affected by complaints of child abuse. As in Boston, the Clinical Consultation Board will develop “Guidelines of Care or Best Practices” for persons harmed by clergy sexual abuse which will inform the Office’s treatment decision-making process and other decisions concerning professional care, including appropriate treatment referrals and monitoring ongoing treatment.

In addition, the Diocese has opportunity to provide leadership in the area of prevention of child abuse by partnering with the Erie County Enough Abuse Campaign run by Best Self, formerly known as the Lee Gross Anthone Child Advocacy Center (the CAC). The Enough Abuse Campaign works to provide the most comprehensive "evidence-informed" training course available for schools in the U.S. We recommend that the Diocese partner with this organization to provide this training in all parishes and schools. The existing prevention training and education program, Virtus, run by the DOB Safe Environment department is not well publicized or understood. That should be corrected by the Diocese immediately.

b. Outreach to Priests, Deacons & Seminarians

Recognizing that seminarians, priests, deacons are a group that has been particularly vulnerable to both abuse by other clerics and by fear, shame, hostility, retaliation and harassment when considering or when actually reporting their abuse, we recommend that

there be meaningful efforts, through the confidential, independent hotline intake process listed above, and perhaps supported through a newly established Office of Pastoral Outreach (see above) to reach and support these additional victims. Independent audit and oversight of this process should also be put in place.

c. Trauma-Informed Training

Diocesan decision makers, including but not limited to all Diocesan clergy, employees, DRB members, investigators and experts that assist with resolution of claims, involved in any aspect of the process of addressing sexual abuse of children or vulnerable adults or settlement of claims of sexual abuse of children or vulnerable adults, must be required to complete trauma informed training and be educated on the dynamics of sexual abuse of children and vulnerable adults prior to addressing these issues and prior to meeting with victims/survivors. The Seminary training also needs to include this training for seminarians.

d. Power Dynamics

In addition, all priests and those in formation must receive training and education about the dynamics of power and abuse of power.

e. Expansion of the Definition of Vulnerable Adult in the DOB Code of Conduct

Currently, the DOB Code of Conduct includes this definition of "vulnerable adult:"

> a person who is impaired by reason of mental illness, mental deficiency, physical illness, or disability to the extent that he or she lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his or her person or to manage his or her affairs effectively.

We believe that definition to be woefully inadequate in recognizing the power dynamics of those who seek reconciliation, pastoral support and counseling. We believe that the definition of vulnerable adult needs to be expanded to include those situations involving power imbalance (eg, those seeking spiritual care, seminarians). In addition, priests and seminarians need to be trained to better understand the vulnerability of those seeking support and the inherent power dynamics that are part of that support. We believe the annulment model might contain some beneficial aspects.

f. Waiver of Ministerial Exception[9] & Adoption of Sexual Harassment Policies & Procedures

In addition to expanding the definition of vulnerable adult, the Diocese could clearly and unequivocally waive any claim of "ministerial exception" under the First Amendment and voluntarily adopt sexual harassment policies and procedures, including reporting, investigation and non-retaliation in accordance with federal law and the new NYS standards.

9. **The Child Victim's Act**

We believed it was inappropriate and not acceptable for the Bishop, the Diocese or anyone representing the Diocese to lobby against the N.Y.S. Child Victim's Act (CVA) or any legislation that does not support the victims of abuse. We were relieved when it was recently reported that the Catholic Church was no longer opposing the N.Y.S Child Victim's Act.

[9] See Lupu, Tuttle "#MeToo Meets the Ministerial Exception: Sexual Harassment Claims by Clergy and the First Amendment's Religion Clauses;", George Washington Law School, 2019. for a discussion of the "ministerial exception."

With the enactment of the CVA into law in New York State, we urge the Diocese to aggressively work to resolve cases as soon as possible and commit to working effectively and efficiently with victims and their advocates and legal counsel. We understand that the re-opening of the statute of limitations should itself result in greater transparency as active litigation will disclose the names of victims, accused priests and result in discovery and disclosure of documents. While this is true, it may not in the end be helpful to restoring trust as it is not ***the Diocese*** that will be producing the disclosure and being transparent but the victims. To this end, we recommend that the Diocese add a section to its website where the credible/substantiated allegations are reported, and following the model of the Archdiocese of Boston, disclose those against whom claims have been made public under the re-opening of the statute of limitations under the Child Victim's Act.

Appendix: Database Fields

Database of Victims and Accused Priests

Case No.	Victim	Priest	Date(s) of Abuse Occurences	Age of Victim at Time of Abuse	Victim Gender M/F	Nature of the Abuse	Locations/Parishes where the accused was assigned at the time of the abuse	Was Abuse Reported? Y/N	First Reported to Whom?	Reported to Civil Authorities?	Date Reported to Civil Authorities	Date Case Opened by Diocese
	V1	P1	Date ranges should be developed so this can be sorted and filtered	12	M	Categories of abuse should be developed so this can be sorted and filtered		Y/N	Pick list of various Diocesan offices and officials, as well as civil authorities	Y/N		
	V2	P4		16	F							
	V3	Fr. TS Elliott		19	M							

Date Diocesan Investigation Commenced	Did Diocesan Investigation include an interview of victim?	Date Diocesan Investigation Concluded	Date Reviewed by DRB	DRB Outcome	Date Case Closed by Diocese	Financial Payment offered to Victim	Counseling Services Offered to Victim	Standard Met for Disclosure of Name	Canonical Outcome	Civil Authority Legal Outcome if known	Interim Locations/Assignments of Accused Priest	Current Location of Accused Priest
				Pick List of Outcomes, so sortable and filterable				No				
								No				
								Yes				

WORKGROUP 2 – TRANSPARENCY ABOUT ALL DIOCESAN OPERATIONS

Synopsis

The current operation of the Diocese is largely driven by the Clergy, with the Bishop as the head and chief decision-maker. This includes making policy, implementing it and managing diocesan operations. The primary focus is on the spiritual mission of the Catholic Church, but also entails administration of the temporal affairs of the diocese. The laity, who provide much[10] of the funding in the diocese, are not adequately represented in this process.

The handling of the current sexual abuse scandal has highlighted the need for significantly greater transparency and laity involvement. Moreover, the overall management of the entire diocesan operation could be substantially enhanced by more laity participation. This would inevitably lead to more accountability of the clergy who ultimately should be functioning as servant leaders and not just leaders of the diocese.

Current Operating Structure

The current clergy-centric model is depicted in the diagram on the next page. (Note this depiction is not intended to represent an organizational chart, rather a diagram that describes the functional relationships between the Bishop and other Diocesan functions.) Under the current complex structure, the Bishop is the center of influence and ultimately the final decision-maker on most spiritual and temporal matters. Clergy are largely responsible for implementation of such policy and decisions made by the bishop. Laity have an advisory role, but have limited influence on policy. As a result, the faithful are not adequately represented and the accountability of the clergy and the bishop is limited.

The affiliate organizations of the diocese have more independence, with separate boards, but the bishop and/or his representatives are engaged members of the boards of these organizations and there is always a dotted line between these organizations and the diocese.

Future Operating Structure

To address the general limitations of the current structure, we are proposing a different operating structure that acknowledges the importance of the faithful of the diocese, as both participant's in the operation of the diocese, but also as the primary recipients of the services of the diocese. The faithful includes primarily the laity, who are largely under-represented, but also the clergy, who as members of the body of Christ, are also important stakeholders. This is depicted in the diagram on the next page.

This structure is based on the principle of an effective partnership between the faithful and diocesan leadership, in which the laity are the ultimate stakeholders and should have more significant input on policy, operations and financial matters, consistent with Canon Law. The current Diocesan Finance Council, in particular, should have a significantly larger role, as spelled out in specific Canons. Similarly, other boards at all levels of the Diocesan organization, should be enhanced to provide input,

[10] We must acknowledge that the clergy themselves also contribute to the Diocese (eg through Sunday offerings, the Upon this Rock Campaign and the Catholic Charities Appeal). Although ordained faithful and women religious were represented within the MRT, the discussion tended to lean toward the role of the laity. This is not to exclude the important contributions by and need for representation of the interests of the priests.

direction and oversight of their respective ministries. The underlying emphasis should be greater transparency and accountability to the laity.

The structural changes inherent in this future state reflect an organizational structure that is service-oriented and accountable to the faithful, and thus forms the basis of our recommendations. As noted on page 31, recommendations regarding the operating structure are still in progress.

Diocese of Buffalo – Current & Future Operating Structure Models

Still in Progress:

Diagrams which explain the current and desired future state of relationships between:

- the Bishop,
- the faithful,
- the consultative bodies,
- other Catholic corporate entities (both affiliated and independent, eg Catholic Charities, Catholic Health, Christ the King Seminary),
- the diocesan administrative functions and
- ministries

Recommendations

Sexual Abuse

1. Provide complete financial transparency, consistent with recognized best practices, of all relevant financial information relating to the Diocese's handling of all known claims of sexual abuse by clergy or employees of the diocese. These claims should include the following:

    a. Past sexual abuse claims that have been previously settled

    b. Claims filed under the current Independent Reconciliation and Compensation Program

    c. Other outstanding claims that been filed with the Diocese that are currently unresolved

    d. Estimates of potential future claims, if possible, arising from information the diocese has on claims that have not been filed, but are expected or could be

2. The information provided on all of these claims should include all of the relevant cost components (settlements, counseling or other services provided to victims, legal fees, insurance premiums, counseling services provided to perpetrators, and other costs involved, such as those listed in Attachment "A").

3. The source of funds used, whether from current operations, from reserves, from Insurance and any other sources.

4. Estimates, if possible, of the potential impact such claims are having and could have on the future operations of the diocese.

5. Whatever information is ultimately provided should be done so in an appropriate transparent method through local newspapers, TV and other electronic media, to parishes and all Diocesan and community stakeholders and in a format that is complete and easily understandable.

Diocesan Financial Transparency

6. Institute recognized best practices regarding all financial matters within the Diocese to insure appropriate transparency for the faithful of the Buffalo Diocese. Among other items, such best practices would include the following:

    a. Appropriate financial reporting on the Central Administration of the diocese and other key entities within the diocese, including those separately incorporated (Catholic Charities, The Foundation of the Roman Catholic Diocese of Buffalo, Christ the King seminary, The Catholic Health System, Baker Victory Services, etc.) Such reporting would include audited financial statements, with appropriate easy to understand explanations of the key components and necessary detail consistent with generally accepted accounting practice. Included in these reports would be clarity around the nature and scope of transfer of funds between entities. Financial information on sexual abuse should be appropriately segregated from other information

b. Accompanying letters of explanation from the leadership of the specific entities, highlighting the most important elements contained in the financial report and any other matters that are material

c. Development of a formal review process assigned to the boards of these entities. Such review would include appropriate access to the individuals responsible and the opportunity to address questions and concerns

d. Access to and development of outside assessments of these organizations. These would include audits and evaluations conducted by governmental agencies and/or independent third parties

e. Appropriate reporting on the investments of the diocese, including the St. Joseph's Fund and any other repository of diocesan funds

f. Complete and easy access to these financial reports on Diocesan websites and the development of a process to enable questions to be raised and answered

g. Development of written job descriptions with responsibilities and appropriate orientation and training for members of all Boards

7. Direct the existing Diocesan Finance Council to perform the oversight role described above in recommendation #6. In addition, empower the diocesan Finance Council to assume the expanded responsibilities that are specifically addressed in sections 492, 493 and 1277 of Canon Law. (See Attachment "B"). The effect of this would be to raise the current level of oversight from a largely advisory function to a more consultative and consensual role, thus giving the laity an important participatory role in the financial and temporal affairs of the diocese. More specifically, adopt the provisions of Canon Law as follows:

   Canon Law 492 - "Constitution and Membership of the Finance Council". Establishes the requirement that the council be comprised of at least three members of the laity and that they serve a 5 year term, which term can be repeated. Members of the council should have the requisite skills commensurate with the responsibilities of the council. Although not specifically articulated in the Law, but consistent with the law are the following additional recommendations:

   a. that the laity comprise a majority of the members of the Council

   b. that the laity be identified, along with their qualifications on the diocesan website

   c. that the Bishop appoint a lay member to be the Chairperson of the Council

   d. that the Chief Financial Officer of the Diocese have reporting responsibility to the Council

   e. that the Council shall have a role in the selection of the Chief Financial Officer

   Canon Law 493 - "Functions of the Finance Council". Specifically this includes the approval of a diocesan budget, appropriate monitoring of the budget throughout the year and at the end of the fiscal period. Although not specifically stated in the law, but consistent with the notion of financial transparency is the following additional recommendation:

a. that the other significant entities within the diocese that are not currently under the purview of the Central Offices share the budgets and results with the Council. This would include the Foundation, Catholic Charities, Baker Victory Services, The Diocesan Seminary, etc. The concept is that these separate corporate entities can have a material effect on the overall function of the diocese and therefore should be within the understanding of the Council

Canon Law 1277 – "Ordinary and Extraordinary Administration by Diocesan Bishop". This provides that the bishop must consult with the finance council and the college of consultors in acts which are more important than the ordinary affairs of the diocese, in light of the material economic impact these acts could have on the diocese.

Such "more important" payments arising from the current sexual crisis and future obligations from this crisis would therefore come under this law and scrutiny by the finance council. To that end, the Council should be made aware of all related costs on the sexual abuse crisis.

Extraordinary expenses, as defined by canon law, will require the consent of the college of consultors and the Council.

8. Institute recognized best practice regarding parish financial matters. This includes the following:

    a. Provide good direction, adequate training/support and necessary oversight from the Diocese

    b. Produce complete and timely reporting of financial budgets and financial results to the faithful in a manner consistent with diocesan practice

    c. Provide clear reporting of all parish collections and fund raising activities

    d. Provide clarity around the assessment process

    e. Ensure all parishes have finance councils that replicate the Diocesan Finance Council

    Ultimately the information should be able to answer the basic question of what happens to every dollar collected at the parish.

Diocesan Operational Transparency

9. Create a governance structure, consistent with Canon Law and best practice that recognizes the faithful as the ultimate beneficiary of all the services of the diocese and the authority they have in ensuring these services are provided. This re-envisioned structure would address the accountability of the clergy by providing a higher level of authority for the laity. It would include the following:

    a. Expand the role of the Diocesan Finance Council to oversee the temporal operations of the diocese. This would include the efficient and effective use of resources in support of the mission and objectives. This body would have input into the decision-making processes, including the ability to hold the diocesan leadership accountable for their decisions and the overall success of the mission, covering the most important policies and activities of the diocese.

b. The role and responsibility of parish councils should be reviewed and upgraded to ensure appropriate parishioner oversight. Parish councils should collaborate with the pastor to ensure that the parish supports the spiritual needs of the parish faithful.

c. The role and responsibility of parish finance councils should be reviewed and upgraded to ensure appropriate parishioner oversight. The parish finance councils should be given the same level of responsibility for their parishes that the Diocesan Finance Council has for the diocese.

Attachment A - Types of costs and expense related to the sex abuse scandal

- Costs that can be quantified in some way, whether through actual dollars paid or by reasonable estimates:

    - Safe Environment
    - Lawsuit settlements
    - Independent Reconciliation and Compensation Program payments and any other payments made prior to the establishment of the IRCP in 2018.
    - Emergency assistance to victims and other restitution payments to victims (e.g., purchase of a car for a victim)
    - Legal fees for defense of the accused priests and the diocese
    - Costs of internal investigations and the personnel to conduct same
    - Liability insurance premiums paid to insurers
    - Self-insurance expense
    - Therapy/treatment costs for victims
    - Rehabilitation/treatment costs for abusers
    - Lobbying fees paid to oppose extension of the statute of limitation for sexual abuse crimes against children in New York State
    - Cost of seminary education and continuing education of priests who have been subsequently removed from ministry
    - Health, pension, and welfare benefits being paid to priests who have been removed from ministry
    - Loss of investment and interest income that would have been earned on money that has been diverted to cover costs of the sex abuse scandal
    - Public relations

Attachment B - Applicable Canon Law

Thomas R. Beecher Jr.

To: Movement To Restore Trust – Group 2, Financial & Operations Transparency

From: Thomas R. Beecher Jr.

Date: December 26, 2018

Re: Applicable Canon Law

The purpose of this memo is to support the proposition that the recommendations by Group 2 of the Movement to Restore Trust is supported by applicable Canon law. The author of this memo is not a Canon lawyer but has been a civil lawyer for almost sixty (60) years. And thus, recognizes that his lack of knowledge of Canons other than those he has written about could influence the ultimate conclusions reached and has therefore arranged to have the memo reviewed by an experienced practicing Canon lawyer whose comments will be ultimately incorporated in this draft.

After considerable study and prayer, Group 2 has determined that the role of the laity concerning the temporal goods of the church at Buffalo can be and should be significant. The best vehicle to provide this support and oversight appears to be through the use of the Finance Council as provided in Canon 492, entitled "Constitution and Membership of the Finance Council". It is reproduced here for reference.

> **"*Constitution and Membership of the Finance Council***
>
> **Canon 492 - §1. In every diocese a finance council is to be established, over which the diocesan bishop himself or his delegate presides and which consists of at least three members of the Christian faithful truly expert in financial affairs and civil law, outstanding in integrity, and appointed by the bishop.**
>
> **§2. Members of the finance council are to be appointed for five years, but at the end of this period they can be appointed for other five year terms.**
>
> **§3. Persons who are related to the bishop up to the fourth degree of consanguinity or affinity are excluded from the finance council."**

The commentary makes it clear that "the Christian faithful" include the laity and therefore, the Bishop has the power to appoint lay members and in fact, lay members currently serve on the Finance Committee of the Diocese of Buffalo. There does not seem to be any bar in the Canon or in the commentary that would prohibit the Bishop from appointing a majority of lay people to the Finance Council as recommended by Group 2. It also seems clear that the Bishop has the power to delegate who presides over the finance council and could select a lay person as recommended by Group 2.

The Canon needs to be read in conjunction with other sections of Canon law and particularly Book V "The Temporal Goods of the Church" and Book I "General Norms". This memo will not attempt an analysis of those general provisions but will rely on the Canon law reviewer to point out any provisions that conflict with this memo.

Canon 127 provides that the Bishop or for that matter, any religious superior needs the consent or counsel of some college or group of persons such as a diocesan finance counsel in order to make specified decisions. That Canon provides that if consent is required, the act of the superior who does not seek consent or who acts contrary to the opinion of them, the opinion is invalid.

If counsel is required, the act of the superior who does not hear those persons is invalid even though the superior is not obliged to accept their opinion but if the counsel is unanimous, then the superior, that is the Bishop, is not to act without a reason which is overriding in his judgment.

The difference between consent and counsel becomes relevant when looking at later provisions about the power of the finance council and the finance officer.

The commentaries surrounding the respective Canons make it clear that a finance council could consist of all laity, although that is not as recommended by Group 2 since it also seems clear that there is substantial value in having the opinions of priests and deacons on the finance council. What is important is that every member of the finance council bring a skill and discipline that is relevant to the work of the council. It is the financial and civil law expertise, rather than ecclesiastical status that should be the basis of appointment to a diocesan finance council, or for that matter a Parish finance council.

It should also be noted that Canon 492, Paragraph 2 provides that members of the council are appointed for five years and that they can be re-appointed for successive five year terms. They can only be removed for grave reason. This means that finance council members appointed by a Bishop would not lose their position should a new Bishop take over the Diocese before the five year term is completed. This should provide a fair amount of stability in Diocesan affairs and governance during the transition from one Bishop to another.

The important role of the finance committee is set forth in Canon 493.

> ***"Function of the Finance Council***
>
> **Canon 493 – In addition to the functions entrusted to it in Book V, *The Temporal Goods of the Church,* the finance council prepares each year, according to the directions of the diocesan bishop, a budget of the income and expenditures, which are foreseen for the entire governance of the diocese in the coming year and at the end of the year examines an account of the revenues and expense."**

Canon law gives the Finance council two important ways to advise and support the bishop but also, to control the financial affairs of the diocese.

The first one set forth in Canon 493 is that it is the finance council who prepares the budget of income and expenditures for the year. True, this is at the direction of the bishop, but it is the finance council that must sign off on income and expenditures. This means that the finance council has the power and the obligation to be familiar in substantial detail with all proposed expenditures including expenditures related to the sex abuse crisis.

The second major responsibility is that at the end of the year, the finance council is responsible for examining the account of revenues and expenses. This means they have the ultimate approval over how these expenditures have been made and each one must be accounted for. It would seem that the failure of the finance council to approve the year-end accounts would result in a qualified opinion by an outside auditor and thus place considerable pressure on the diocese to be responsive to the requirements of the finance council in examining accounts.

Canon law also sets forth rules concerning ordinary and extraordinary administration by the diocesan bishop.

> *"**Ordinary and Extraordinary Administration by Diocesan Bishop***
>
> **Canon 1277 – The diocesan bishop must hear the finance council and college of consultors to place acts of administration which are more important in light of the economic condition of the diocese. In addition to the cases specially expressed in universal law or the charter of a foundation, however, he needs the consent of the finance council and of the college of consultors to place acts of extraordinary administration. It is for the conference of bishops to define which acts are to be considered extraordinary administration."**

This Canon provides that the bishop consult with the finance council and the college of consultors to place acts of administration which are more important in the light of economic conditions of the diocese. This would surely include the treatment of expenses in connection with the sexual abuse crisis.

The Canon goes further and requires not only consult but consent if the acts to be placed, that is the funds to be expended are for extraordinary administration. Acts of extraordinary administration include "to alienate (in the strict sense, convey or transfer ownership) goods of the stable patrimony when the value exceeds the minimum limit." That is Canon law language for the transfer of large sums outside of the asset base of the diocese and surely should include amounts as significant as those already spent and contemplated to be spent in connection with the sexual abuse crisis. It would be hoped that the National Conference of Catholic Bishops when they gather in February might actually specifically enumerate these payments as extraordinary.

The conclusion of this memo is that with respect to the temporal goods of the diocese, the bishop remains the ultimate administrator under Canon law, but his actions can be significantly restricted and controlled through the wise use of a well-appointed, dedicated and properly motivated finance council consisting of a majority of lay members and under the chairmanship of a member of the laity.

WORKGROUP 3 – ACCOUNTABILITY FOR BISHOPS

Synopsis

There is a general consensus that there is a lack of clear accountability or effective oversight for the role of Bishop in the Buffalo Diocese. Therefore, the perception is that the Bishop is only accountable to his own conscience as he operates fairly independently with the Executive Power of Governance for the Diocese. There is not a sufficient understanding among the laity of the accountabilities of the Bishop in serving the Faithful in the diocese. As the members of Group 3 understand it, each parish within the Diocese operates as a separate organization with the Bishop reporting directly to the Pope. The Bishop exercises general authority over the parishes but we understand that there is considerable leeway for parishes to operate independently. The only formal reporting process for the Bishop occurs once every 5 years in a report that goes to Rome with the Bishop. We do not believe that this report is currently made public.

Our Vision for an accountable Bishop and Diocese

As Faithful in the Diocese, we pray for a day when the accountabilities of the Bishop to the Faithful are defined and widely communicated and published. These accountabilities should be regularly reviewed by a designated representative group of the Faithful who would determine if promised actions have taken place in a timely and transparent manner. Suggestions for improvements for the Bishop would also be part of this regular review.

Goals and accountabilities for the Diocese, with both quantitative and qualitative metrics, would also be formulated and shared with the Faithful. Again, regular reviews of the Diocesan goals would take place by this designated, representative group identified in the previous paragraph.

Neither the responsibilities nor the decision-making powers of each of the existing consultative bodies within the Diocese are sufficiently clear to the Faithful. Because of this lack of clarity, there is not a clear choice of an existing consultative body within the Diocese that would be appropriate to take on these additional duties. In order to identify which consultative body, new or existing, should assume this work, we recommend that the consultative bodies should be reviewed and overhauled. We envision a Diocese where any consultative body that does exist has a clear purpose, transparent processes/decision making, with members who represent the makeup of our Diocese and are knowledgeable in the areas covered by that body. Existing bodies that do not meet regularly or have no articulated purpose or authority should be eliminated.

Finally, anyone within the Diocese will have a clear, accessible and simple process, managed by a neutral third party, for bringing forward their concerns regarding Diocesan functions, ethical/compliance issues or the behaviors of any employees or volunteers of the Diocese, including all parishes. In particular, the clergy of the Diocese should have a sounding board outside of their line of reporting where concerns can be discussed confidentially.[11]

[11] Since this report was drafted, the Diocese has begun efforts to broaden the scope of issues that can be reported to the independent third-party EthicsPoint. Currently a "Report Fraud" link on the Diocese homepage links to this reporting mechanism https://secure.ethicspoint.com/domain/media/en/gui/48633/index.html . The MRT recommendations have led to this being expanded and better communicated to report any wrongdoing or area of potential concern.

Summary of Recommendations

1. The Bishop commits to sharing responsibility for the health and holiness of the Diocese with clergy and laity.
2. Establish performance expectations and goals for the Bishop which will be regularly reviewed by the Faithful.
3. Apply sound organizational practices to all key processes in the Diocese.
4. Ensure laity access to and regular interchange with the Bishop.

Detailed Recommendations:

1. ***The Bishop commits to sharing responsibility for the health and holiness of the Diocese with clergy and laity.***

Desired Outcomes:

- Laity and clergy feel represented and heard around decisions made in the Diocese
- Laity and clergy are timely informed about decisions made, why they were made and the implications of the decision.
- Laity and clergy have some input in the appointment of the Bishop for the Diocese.

The Bishop should work with MRT to:

a. Examine the roles and responsibilities of all existing consultative bodies and eliminate those that don't meet regularly or don't serve an essential purpose for the Diocese.

b. Commit to re-energizing the consultative bodies[12] and empowering them to their true purpose by delegating greater authority to them.

c. Widely share openings on the bodies with the laity of the Diocese, including how to submit their name for consideration.

d. Fill these re-energized consultative bodies with laity (especially women) and clergy with the expertise, qualifications and autonomy to properly discharge their duties. This should align with Leadership Roundtable's recommendation that these consultative bodies consist of "experts with teeth."

e. Implement a process whereby any recommendation of a consultative body which is not agreed to or put in place by the Bishop would require a written explanation as to the rationale for such a rejection.

f. Implement term limits for each member of the consultative bodies and use vacancies to create diverse memberships, which represent the makeup of the Diocese.

[12] A good source, although difficult to find in the original form online, is a paper by RT Kennedy, titled "Shared Responsibility in Ecclesial Decision-Making" which was presented at the 14th Annual General Meeting, Canadian Canon Law Society, Quebec City, October 22-25, 1979 and then later published in Studia Canonica Ottawa, 1980.

2. ***Establish performance expectations and goals for the Bishop that will be regularly reviewed by the Faithful.***

Desired outcomes:

- All members of the Diocese understand the Bishop's accountabilities to the Faithful.
- The Faithful have a mechanism to provide feedback on the performance of the Bishop.

The Bishop should work with MRT to:

a. Incorporate accountabilities set by Canon Law that also reflect the rights and expectations of the Faithful.

b. Set up an Accountability Review Team (Team) (or use a Leadership Roundtable model) to assist the Bishop in articulating his accountabilities to the Faithful with specific time-bound measurable goals. Goals for the Diocese would also be established by this Team. This Team will be composed of "consultant" religious (outside of diocesan administration) and laity. This Team will be responsible for oversight and review of the Bishop's progress on specific goals. On a periodic basis, the Bishop and the Diocese would prepare a self-study on the success/failures against these goals. This Team would review the self-study as part of its oversight duties and would ultimately issue a public report on their findings.

c. Accountabilities of the Bishop and Goals for the Diocese will be published in the report mentioned above and on the Diocesan website. Updates on progress towards goals and corrective actions will also be published.

d. This Team will have clear access to higher authority to communicate concerns regarding actions by the Bishop. Consider modeling after Baltimore's Bishops Reporting Initiative. (America Magazine, Jan. 19, 2019)

3. ***Apply Sound Organizational practices to all key processes within the Diocese.***

Desired Outcomes:

- Key processes in our Diocese including Leadership Development, Human Resources, Ethics/Compliance, Finance, Customer Service etc. would be compared and contrasted against best practices in other Dioceses across the US.
- A plan to adopt best practices from other Dioceses would be committed to by the Bishop and Diocesan leadership.

The Bishop should work with MRT to:

a. Engage Leadership Roundtable as his partner to assess the current situation and take the necessary steps to restore trust in our Diocese.

b. Commit to leading the necessary culture change to move our Diocese forward.

c. Work with Leadership Roundtable to put in place a mechanism to regularly assess progress against the commitments made in concert with the MRT.

d. Ensure effectiveness of the currently installed independent Fraud Reporting System.
    i. Audit responsiveness to the system. How is the Diocese working with the system?
    ii. Consider changing the scope of this System to include other areas of concern.
    iii. Publish high level metrics on response times and satisfaction of the complainant.
    iv. Consider upgrading or replacing the current Fraud Reporting System (and changing its name) with a system more commonly and effectively used in best practice organizations. Make this more visible and accessible on Website. Publicize the availability of this system.

e. Provide a mechanism for priests to have a voice and to be heard.

    i. Establish a sounding board for priests outside of the line of reporting (typically HR or preferably a neutral third party) where ethical/compliance or personal concerns can be discussed confidentially

4. Establish laity access to and regular interchange with the Bishop:

Desired Outcomes:

- The "every five year" report to the Pope by the Bishop will contain input from the Faithful of the Diocese.

- "Real Time" information about what is happening in the Diocese as well as progress against defined quantitative and qualitative metrics is consistently shared with the Faithful across the Diocese.

- The laity and clergy have access to and responsiveness from the Bishop.

The Bishop should work with MRT on the following:

a. Bishops are called to Rome every 5 years to present a Diocesan Report that contains both quantitative and qualitative data.
    i. Form committee (composed of laity and clergy) to oversee preparation of report incorporating required format as well as additional components as identified by this representative committee.
    ii. Bishop presents report at a Public Forum where he can respond to questions. Report is published on Diocesan Website.
    iii. Bishop has follow up meeting with the committee to give feedback on how report was received by Rome.

b. Establish a regular defined reporting mechanism for the Diocese that will be made public. A separate representative committee will work with Leadership Roundtable to help prepare and review the report which will contain identified and relevant qualitative and quantitative metrics as well as analysis.
    i. This report will be produced at least annually and will give an account on specific performance metrics identified by the Leadership Roundtable.

ii. Report will be published on Diocesan Website.

c. Establish Transparent mechanism for regular communication with the Bishop
   i. Recommend Bishop have regular "Town Hall" meetings which are open to the public and streamed live on website.
   ii. Recommend Bishop hosts small group meetings on various topics throughout the year; participants selected through lottery or nomination by parish.
   iii. Open Forum on Website: "Ask the Bishop" where Bishop can respond in writing on submitted topics.
   iv. The Bishop issues a Quarterly Update to the Faithful, which is accessible via the Diocesan website and through other formats to reach all members of the Diocese.
   v. The Bishop establishes "open office hours" each week whereby any victim can schedule time to meet with the Bishop and be heard.

Historical Reference

Acts of the Apostles

Since the institution of the Catholic Church by Jesus Christ, the faithful have looked to the Bible, Old and New Testament, to seek guidance by the Holy Spirit through the Word of God. The sacred writings provide the template for the way that we should live our lives and faith, as well as take our faith to all the nations of the world as directed by Jesus. The Apostles carried forth the directives as laid out by Jesus Christ and sought the intercession of the Holy Spirit. These activities are documented, beginning with the Acts of the Apostles and throughout the remaining books of the New Testament.

We centered our effort on the Acts of the Apostles as this book contained the movement of the early Church. Note the guidance that is found in Acts 1: 15-26 and Acts 6:1-6 as these passages give insight to the whole church faithful participating in the choice of the Church's leaders. The Church of Acts was in its foundational days but was growing by thousands per day. The Apostles needed to take action to insure its continued growth in as orderly a fashion as possible. It is necessary to review and include these passages as direction in our efforts to formulate policy recommendations in the *Selecting and Monitoring Bishops Workstream*.

Acts establishes the intent of the Apostles' organizational process: to empower the laity with the tasks of the operational "life of the Church" in order to allow the Apostles and others "ordained" with spreading the Gospel acting as "Shepherds", following in the footsteps of Jesus Christ to build His Church that the gates of hell could not vanquish. **This workstream focused its' efforts and recommendations on developing methods to restore our pastoral leaders to their critically important role of Shepherding the faithful as ordained and instituted by Jesus Christ.**

Pope Pius XII

Pius XII once stated: *"The Faithful, more precise lay faithful, find themselves on the front lines of the Church's life; for them the Church is the animating principle for human society. Therefore, they in particular, ought to have an ever-clearer consciousness* ***not only of belonging to the Church, but of being the Church, that is to say, the community of the faithful on earth under the leadership of the Pope, the head of all, and of the Bishops in communion with him. These are the Church ...".***

Through their participation in the *prophetic mission* of Christ, *"who proclaimed the kingdom of his Father by the testimony of his life and by the power of his world*", the lay faithful are given the ability and responsibility to accept the Gospel in faith and to proclaim it in word and deed, without hesitating to courageously identify and denounce evil. United to Christ, the "great prophet" *(Lk* 7:16), and in the Spirit made "witnesses" of the Risen Christ, the lay faithful are made sharers in the appreciation of the Church's supernatural faith, that "cannot err in matters of belief" and sharers as well in the grace of the Word (cf. *Acts* 2:17-18; *Rev* 19:10).[13]

[13] Post-Synodal, Apostolic Exhortation, Christifideles Laici Of His Holiness, John Paul Ii On The Vocation And The Mission Of The Lay Faithful In The Church And In The World

Co-responsibility demands a change in mindset especially concerning the role of lay people in the Church. They should not be regarded as "collaborators" of the clergy, but, rather, as people who are really "co-responsible" for the Church's being and acting. It is therefore important that a mature and committed laity be consolidated, which can make its own specific contribution to the ecclesial mission with respect for the ministries and tasks that each one has in the life of the Church and always in cordial communion with the Bishops.[14]

Second Vatican Council

The Second Vatican Council in 1963 had promoted and adopted provisions to institute Rights that were to be codified to apply to all laity. Up until this time, laity had no codified rights as members of the Catholic Church. It was not until 1983 that Pope John Paul II had formulated the Rights into Canon Law. There were 15 Rights attributed to all faithful (c. 208 – 223), Rights for Laity (c.224 – 231), Rights for Clergy (c.273 – 289) and Rights for Religious Men & Women (c. 662 – 672). SOURCE DOCUMENT --- We believe that we, as laity empowered by the Rights of Membership, must have input and take action as we share in the mission of "teaching, sanctifying and governing" of the Church. Specifically, the recommendations that are presented and put forth are based on the specific rights of:

- ***Right to Participate Actively in Church Life (c. 204.1)*** – The laity can and must take part in Sanctifying, Teaching, Learning and Pastoral roles in the Church.
- ***Right of Equality – (c.208)*** The laity intrinsically possesses true equality in dignity and action requiring that we all take part in the building of the Body of Christ, qualified by our position as child, lay or religious ordained and by the function such as teacher, pastor, parent or missionary in the Church. Up until the change in Canon Law in 1983, the Church operated on a system of social classes that were adopted from the Roman Empire. In doing so, the Church had become self-described as a "society of unequals" [societas inaequalium]).
- ***Right to Express Needs, Desires and Opinions (c. 212.2 & c.212.3)*** – The laity are equally endowed with the right to express needs, desires, and opinions on all matters pertaining to the ongoing good of the Church.
- ***Right to Initiate, Promote and Sustain Apostolic Activities – (c.216)*** In all actions of building the Church in accordance with Gospel values, the laity has the right and responsibility to undertake, promote and sustain apostolic activity at all levels.

In addition to the above rights explicitly set forth in Canon Law, the following rights are necessarily implied as corollary rights in order to exercise the rights above:

- ***Right to be Informed (c.204.1)*** – Underpinned by the basic right of the laity to participate, the laity, therefore, have the right to be fully informed in all matters of Church operations.
- ***Right to be Consulted on the Selection of Pastoral Leaders*** – While this right is more implied and encouraged than explicitly acknowledged, the faithful, who are in full communion with the Church, should have an active role in the selection process. This right also has a scriptural foundation in Acts 1:15-26 and Acts 6:1-6.

[14] Message Of His Holiness Pope Benedict Xvi On The Occasion Of The Sixth Ordinary Assembly Of The International Forum Of Catholic Action

Synopsis

Current State

The Diocese of Buffalo is made up of the 8 counties of Western NY. It has 600,000 Catholics and approximately 165 parishes. There are 12 Vicariates across our Diocese which vary in size and each is led by a Vicar (priest in that Vicariate). There are also several ministries of the Diocese including Christ the King Seminary, Catholic Charities and the Catholic Health Systems. All parts of the Diocese, including the Vicariates, ministries and parishes are under the authority of the Bishop. There are two principal ways the Bishop functions outside of the Diocese of Buffalo. First, he functions as the member of the Province (Archdiocese) of NY where an Archbishop serves as leader. When the Archbishop gathers with the Bishops within the Province, he presides but has no direct authority over them. The second function of the local bishop is to serve as a member of the US Conference of Bishops (USCCB) based in Washington, DC. The USCCB generally hold two meetings per year, one in the Washington/Maryland area and the second in another selected part of the US.

Bishop's Accountability

A Bishop is responsible to God, to the Pope, to his own conscience and to the Faithful. He "reports" directly to the Pope and his direct line or connection with the Pope is through the Vatican Ambassador to the Pope, the Apostolic Nuncio, based in Washington DC. A Bishop has a free hand in many areas but does have one particular area of accountability: submission of a once every five (5) year report to the Vatican, as well as a visit to the Pope to discuss it.

There is no current system, process or structure in place for any type of evaluation/report other than the five-year report which he writes to ensure the Bishop's responsibilities to the Faithful are met.

Consultative Bodies

There exist several "consultative" bodies to which the Bishop has no actual accountability. As best as we know it, very few of these bodies' recommendations need to be followed by the Bishop and there is limited "appeal" process for any of these bodies (except perhaps a reach out to the Nuncio or to a curial office in Rome with documented complaints). These bodies include:

- ***Presbyteral (Priest) Council*** is the chief consultative body to the Bishop. Membership consists of the Bishop, twelve elected members (representing the 12 vicariates of the Diocese), two religious representatives, ex-officio members (Vicar(s) General, the Coordinator of the Priests' Personnel Board, Vicar for Priests, and members of the College of Consultors whose terms on the Council expire before their term as a Consultor), members of the College of Consultors and four members appointed by the Bishop. We believe that they meet nine (9) times per year. There is a perception that the agenda is set by the Bishop but the constitution states that the agenda is set by the executive committee and that priests can submit agenda items through their representation or through the Chair. The Bishop must listen to the council on matters involving a) the mergers of parishes, b) the closing of schools, or c) the sale or "alienation" of any property of the Diocese, but he is not required to follow any of their advice.

- ***College of Consultors*** is a group of clergy appointed by the Bishop. According to Canon Law, the Bishop, who is also a member of the College of Consultors, must consult with these members before making certain decisions. (When a diocese is without a Bishop, for example, in the case of a reassignment or death, the College of Consultors elects a diocesan administrator). However, as with the Presbyteral Council, the Bishop is required to listen, but not follow through, on anything recommended by this College of Consultors.
- ***Pastoral Council*** (Operating under Canon 511 of the 1983 Code of Canon Law) is made up of a small number of priests, as well as religious and lay people from across the Diocese. The membership is made up of primarily lay people who are chosen, and it is customary to have two (2) representatives from each vicariate to ensure adequate regional representation on the council. It meets six (6) times per year and, like the previous groups mentioned, the Bishop is not required to follow any of their advice. He has free reign over all consultative bodies, ministries or administrative functions of the Diocese.
- ***Finance Council*** is made up of the laity and priests. It has several committees including Audit, Investments, Priest Retirement Fund, Lay Pension Fund and Real Estate. As in the previous notations, the Bishop seeks input and advice from this Council, but (with exceptions as noted in the Work Group 2 Report, see eg Canon Law 1277 – "Ordinary and Extraordinary Administration by Diocesan Bishop"), many of the ultimate decisions made as a result of the Council's recommendations rests solely with the Bishop.

Appointment of Bishops

By their 75th birthday a Bishop must write to the Pope, through the Nuncio, and request permission to retire. Rome may be flexible in allowing a Bishop to stay on past his 75th birthday if, for example, he wants to celebrate 50 years as a priest and that takes place within a few months of his 75th birthday. Every three (3) years, all Bishops are asked to write down the name of three (3) men who they believe could be good Bishops and they submit those names to the Nuncio. That list is then reviewed (and kept as a future pipeline) and the Nuncio will present nominations to the Vatican Congregation who then makes recommendations to the Pope. The Nuncio may also send out a call to priests and deacons and even some members of the laity for recommendations. This process is very confidential, however, and it is often difficult to determine who is being asked for recommendations. From our research, we believe that the priests of the Diocese have been solicited in the past to recommend two of their fellow priests as possible candidates for Bishop, so there is at least some precedent for input to the Bishop and we believe, room for input from the faithful as well. For at least 1,000 years, both Bishop and Cardinal candidates have been required to be a priest.

Summary of Recommendations

1. **Input from the laity on Diocesan Leadership**

   Input from all the faithful, before a Bishop is assigned to a particular diocese and as was done in the early Church, should be reinstituted. This input could be in a similar nature as is performed in the assignment of a new pastor to a parish but would be executed in a forum for all the faithful of the diocese to have input on the needs of the faithful to enable a better matching of Shepherd to the needs of the diocese's clergy and laity

   This right of consultation is based in the reality of full and active membership in the Church. Members of the church that are fully incorporated into the Church through the baptismal sacrament

of initiation are part of the threefold mission of teaching, sanctifying and governing and are gifted by the Holy Spirit. This sharing of the mission means that all members should have a voice in the choosing of who might be their pastoral leaders. This does not imply a power to vote as in elections but does not preclude it either. The concept of consultation in the selection of church leaders is an ancient process that is in the Acts of the Apostles in the selection for the replacement of Judas, Acts 1:15-26 and in the choice of seven "reputable" men to serve at the table of the Lord, Acts 6:1-6. For much of the history of the Church, clergy and lay people took part in the selection of their Bishops through consultation and/or subsequent approval. The practice of Church applause in the ceremony of the ordination of a priest to a Bishop is a memorial of the early Church consultation process. The Bishop is a Shepherd of the faithful, as evidenced by the Shepherd's Staff that he carries and the needs of the faithful should be considered prior to the assignment of a Bishop.

2. **Process of Nomination of Priests for consideration of Ordination to Bishop**

   The institution of a consultative process for nominating priest names by clergy and laity would not replace the selection by the Bishop of names but would work in concert with the Bishop's efforts and create another resource as the clergy and lay people are in the "trenches" of Catholic life and may recognize priests that should be considered by the Pope but the names have not been presented for consideration. This would also create a more transparent role in the selection process and help support the Bishop in his efforts to be a shepherd with the family of faithful.

   This process has been performed in relative secrecy and the secretive process is supported by Canon Law (c.377.3). However, there is support for the process to be more of a consultative one that should involve all members who are "fully incorporated into the Church", clergy and laity alike. The process of consultation may still be kept "secret" per Canon procedures but using a more consultative methodology will provide for the Church, as a whole, to participate actively in Church life as noted in Canon Law (c204.1). Additionally, while the process of selection is "done in secret" the names submitted for consideration need not be done in secret. Through the process of drafting our report, we learned that the priests can nominate brother priests and we suggest that this be expanded to allow laity to nominate priests for consideration as well.

3. **Bishop Tenure**

   The adoption of tenure requirements would strengthen the role of the laity in addressing the corporal needs of the faithful, continue to create a transparent environment and allow the Bishop and clergy of the diocese to focus on their role as Shepherd.

   The process of appointment places a Bishop as head of a diocese until that person is directed to another diocese by the pope, retires, or death. The Diocese of Buffalo has had Bishops serve as short as two years (Bishop Dennis Joseph (Cardinal) Dougherty) and as long as 28 years (Bishop Ryan) with two (2) Bishops having served the Diocese of Buffalo for approximately 20 years (Bishop Timon and Bishop Head) and ten (10) serving 6 – 17 years.[15] The concept of "tenure" is found in many occupations of lay life and organizational life but is also common in various church orders such as the Dominican Order of Preachers where the Master of the order, who possesses equal powers to the episcopacy but serves in that position for nine (9) years, and then returns to the

[15] http://www.catholic-hierarchy.org/diocese/dbuff.html

position of priest. The process of being made a Bishop is an ordination process resulting from being appointed by the Pope. The process is in secret, as required by Canon Law (c.377.3) and the ordination of a Bishop continues through both retirement and death, although the duties cease. Bishops are only no longer ordained if they are laicized for unholy actions. The role of Bishop maybe one of a lifetime, but the assignment to a diocese is not. The need for transparent Church leadership could be supported by a limited duration of time as head of the diocese is currently maintained for newly ordained priests (3 years), Pastors [six (6) years with possibility of one (1) more six (6) year term]. We recommend that Bishops should be subject to the same type of limited tenure as the priests/pastors in order to ensure vitality and avoid entrenchment in the role. The faithful, the Buffalo Diocesan Center employees at 795 Main Street and the priests of the Diocese are the "fixtures" of the diocese providing needed continuity as different Bishops have served as Shepherd over the years.

4. **<u>Evaluation/Review of Bishop Performance</u>**

Establishment of a process of independent evaluation and recommendations to provide feedback to the Bishop AND to the diocesan faithful of the "state of the diocese" would bring additional transparency and affirmation on the "performance" of the diocese under the control of the Bishop. Utilization of an independent body comprised mostly of lay members, who are in full communion with the Church, are selected based on their respective skills/specialties (i.e. Attorney, CPA, Social Worker, etc.) and serve for a limited tenure in their capacity. Most members of this independent body would be selected by the members of the diocese, independent of the Bishop, while the Bishop would have the opportunity to appoint a limited number of members to the body. The body would operate under the mantle of independence and a requirement of transparency and would report to the Bishop and the diocesan faithful. Ideally, this would be the same body performing oversight of a broader set of diocesan functions enabling a richer input to the evaluation.

Features of this process would be:

a. Review and evaluate the diocesan needs and compare the needs to the current actions being taken by Bishop/staff and provide recommendations to the Bishop in areas where needs are not being addressed by current actions or mandates.

b. Serious misconduct or impairment reporting would be another responsibility of this body and they would have the responsibility to address the issues with the Bishop as well as report to the Archbishop and to the United States Conference of Catholic Bishops (USCCB) and Papal Nuncio.

c. Other dioceses such as the Diocese of Baltimore and the Diocese of Jefferson City, MO, have begun the process of creating an environment of transparent, independent, and collaborative efforts to restore trust in their respective dioceses. Empowering the laity and clergy of the diocese in an independent, transparent and collaborative role in their diocesan home is not a relinquishment of power by the Bishop but a restorative effort to enable the Bishop to return to the Shepherd role established by Jesus Christ, himself and, at the same time, restoring the role of the laity to that which was intended by the Twelve Apostles who were given the mantle to grow the Church founded by God.

Reading The Signs Of The Times

The most comprehensive study of American Catholic women ever conducted was released in January 2018 by *America, The Jesuit Review*. That groundbreaking study found that only 68 percent of American Catholic women – the Church's strongest base – "agree strongly" (49 percent) or "somewhat agree" (19 percent) that they are proud to be Catholic. Why are only two-thirds proud to be Catholic? Perhaps because the same study found that although 15 percent of Catholic women have served as catechists or religious instruction teachers in a parish, fewer than one in 10 have actually served in other roles.

It is a recognized challenge that women and men are leaving Church life in many faith communities. However, although the Catholic Church is the largest faith community in America (51 million members in 17,000 parishes), more Catholics have switched to another religion or no religion than any other faith.

A recent Pew Research Center survey concluded that for the first time in U.S. history, 55 percent of Catholics have left the Church and 77 percent of them have little intention of returning. Catholics have a darker cloud hanging over them than any other faith. A 2018 Pew Research Center survey found that only three in 10 Catholics said Pope Francis is doing a "good" (18 percent) or "excellent" (13 percent) job of addressing the sexual abuse crisis. This is down from 54 percent in 2014 and 45 percent at the beginning of 2018.

In the Diocese of Buffalo, although women and laity advise the Bishop and other administrators on complaints of sexual abuse, ultimate policies, procedures and decisions are—to paraphrase Abraham Lincoln—of male priests, by male priests and for male priests.

We believe that greater empowerment of the laity in the diocese, particularly women, at all levels of authority not only would be highly beneficial to the church as a whole, but is required according to Church teachings. Their leadership skills and expertise in governance and systems of accountability will provide the Church a broader perspective on all issues of importance. In addition, the presence of women in roles equal to men has the power to provide wholeness and holiness to the Church not yet seen in its fullness.

There are an estimated 600,000 Catholics in the Diocese of Buffalo and many of them and their parishes have strayed from the original "Joys and Hopes" spirit of the Second Vatican Council. The very definition of the Church, the "People of God," calls us to recognize that the laity, in particular women, may seek "spiritual light and nourishment" from clergy, but their stated primary duty is to bring about the kingdom of God, as "all called to holiness" by reason of their baptism.

In our opinion, the Diocese of Buffalo has been slow and uneven in its attempts to "read the signs of the times" (Gaudium et Spes, Introduction, Section 4) and to educate both clergy and laity in Vatican II theology and pastoral ministry. Cultural changes and centuries of systematic clericalism may have contributed to divisions, polarizations, dysfunctional systems of operation, and unchecked sinful abuse of children and adults by priests.

The Movement To Restore Trust

We, the Movement to Restore Trust, find ourselves at a crossroads in the life of the Catholic Church. The road we choose today will decide our future for generations to come. We choose new life for our faith. We choose to be proactive, rather than stand by and witness the slow death of our beloved faith communities. We will make every effort to restore trust in our faith leaders. Survivors of abuse, their families and all who are witnessing this existential moment are determined to see change, reconciliation, salvation and the rejuvenation of our Church.

Our Church Teaches:

- "Jesus Christ is the one whom the Father anointed with the Holy Spirit and established as priest, prophet and king. The whole People of God participates in these three offices of Christ and bears the responsibilities for mission and service that flow from them. **On entering the People of God through Baptism, one receives a share in this people's unique, *priestly* vocation:** "Christ the Lord, high priest taken from among men, has made this new people 'a kingdom of priests to God, his Father.' The baptized, by regeneration and the anointing of the Holy Spirit, are *consecrated* to be a spiritual house and a holy priesthood." (Catechism of the Catholic Church). We are "a royal priesthood". (1 Peter 2:9-10).
- This baptismal call applies to both women and men. "There is, therefore, in Christ and in the Church no inequality on the basis of race or nationality, social condition or sex, because "there is neither Jew nor Greek: there is neither bond nor free: **there is neither male nor female. For you are all 'one' in Christ Jesus."** (Galatians 13:28)
- In addition, the Church is required to provide avenues for lay input. "They are, by reason of their knowledge, competence or outstanding ability which they may enjoy, permitted and sometimes even obliged to express their opinion on those things which concern the good of the Church. **When occasions arise, let this be done through the organs erected by the Church for this purpose."**(Lumen Gentium, Chapter 4)
- Spiritual leaders, "aided by the experience of the laity, can more clearly and more incisively come to decisions regarding both spiritual and temporal matters. In this way, the whole Church, strengthened by each one of its members, may more effectively fulfill its mission for the life of the world." (Lumen Gentium)

Recommendations

The following recommendations flow from the Second Vatican Council's documents, particularly the Dogmatic Constitution on the Church (Lumen Gentium, Chapters 2, 4 and 5). We propose that the Diocese take a new look at the Vatican Documents because the laity of the Church, particularly faith-filled women, have been largely under-represented in positions of leadership and authority, and for the benefit of the survivors of clerical abuse. The infusion of women in these positions would not be revolution, but the revitalization of the Church.

1. **We recommend a Renewal of Vatican II Theology and Ministry throughout the Diocese.**

    a. Initiate an education process flowing from Vatican II and post-conciliar magisterial documents, for parishes, organizations and the Seminary. Emphasize ecclesiology, especially with regard to the priesthood of the laity. Priests, deacons and laity need to understand the rights of the laity in Canon Law, as well. When speaking of lay ministry in Canon Law, clarify the meaning of "cooperate" in the power of governance. (Canon 129.2) This educational effort aims to renew the People of God, both laity and clergy. It can enhance understanding and appreciation of our common call to holiness and the complementary roles of clergy and laity in the life of the Church.

    b. Expand life-long faith formation in the Church, based upon the Gospels and teachings of Vatican II, to include the leadership roles open to laity, especially women. Help children and adults become more accepting of lay men and women leaders in the areas of sanctifying, teaching, governance and pastoral education for justice. Include the topic of Lay Ecclesial Ministry under Vocation Awareness, as it responds to our baptismal call to holiness and service.

    c. Help eliminate clericalism by initiating a study of the complementary roles of priest and laity within the diocese, including the gifts and needs of both in parish ministry. Appoint a facilitator who will coordinate this process through implementation.

2. **We recommend Increased Roles and Support for Women.**

    a. Empower more lay women to prepare for and take on lay ecclesial ministries.

    b. Invite and encourage qualified women to have active roles in leadership and decision-making, both at the diocesan and parish levels.

        Parish-based leadership roles include: Director of Faith Formation, Youth Ministry, Coordinator/Director of Evangelization, Director of Music Ministry, Liturgy Coordinator, Director of Children's Ministries (to name a few) as well as –

        i. **Pastoral Associate –** Encourage women to accept membership on a pastoral team.
        ii. **Parish Pastoral Administrator** (Canonically approved) – Appoint more women to lead parishes. Prepare parish communities through education and pastoral encouragement to accept a lay woman/man as the authorized leader of the parish. Provide training for the Parish Pastoral Administrator and priests for the collaboration required for effective ministry in lay-led parishes.

- **Priest Moderator** – Canonical Pastor
- **Sacramental Minister** – Priest preside at Eucharist and Administrator of Sacraments

Cf. Guidelines for leadership roles in parishes led by laity are available in the Diocesan Office of Parish Life.

Diocesan-based leadership roles:
Broaden the Diocesan roles already in place by encouraging women to participate actively in each of the following:

i. Leadership in various Curial positions in the administration of the Diocese, recognizing, of course, that the present Chancellor is a woman and that there are women leaders of several offices within the chancery. Maintain such leadership of women going forward to assure ongoing collaboration of laity and clergy in key diocesan positions.
ii. Establish a comprehensive personnel board, including women and lay members and duly consider their voices for the appointment of pastors and parish pastoral administers.
iii. Empower women and laity with greater authority and equal representation in all diocesan and parish boards. unless membership in the respective organization precludes that.(e.g. A Ladies Sodality, Men's Holy Name Society etc.)

c. Increase support for lay ecclesial ministers by educating the clergy and the faithful on the various roles. Implement an initiative for this education (possibly reestablish the Office of Lay Ministry) following the recommendations of *Co-Workers in the Vineyard of the Lord* (United States Conference of Catholic Bishops 2005). Provide assurance of adequate and appropriate compensation.

d. Preserve the roles of women ecclesial ministers in the event of changes in diocesan or parish leadership. Create an appeal process that may be initiated as needed. Utilize section D on "The Ministerial Workplace" of *Co-Workers in the Vineyard of the Lord* (USCCB 2005) as a resource.

e. Expand beyond what is in present practice, the roles in which educationally prepared women can provide spiritual ministry to parishioners and others. Advocate for change in order to:
   i. Allow chaplains, both women and men, to anoint the sick[16] both in hospitals and during pastoral home visits in cases of emergency when priests are not available.
   ii. Expand opportunities for women, especially Parish Pastoral Administrators, to preach at Eucharistic Liturgies.
   iii. Encourage pastors to invite women to preach at liturgical and para-liturgical rites celebrated in the parish.
   iv. Support qualified women in the role of Spiritual Director for seminarians and priests.
   v. Support the restoration of the Permanent Diaconate for Women in the Church, should the US Conference of Catholic Bishops initiate this restoration.

[16] This may require further analysis as we have been advised, since the report was drafted, that Canon 1003-1 states that "Every priest, and only a priest, validly administers the anointing of the sick." As we understand it, this is because anointing the sick also includes the possibility of receiving the sacrament of reconciliation.

3. **We recommend Support for Inclusive Parish Life.**

    a. Create a system of accountability and problem resolution for parishes with the goal of having the key stakeholders in each parish collaborate with Diocesan officials for the purpose of assessing and evaluating the effectiveness and efficiencies of ministries.

    b. Re-examine the increasingly evolving role and the needs of parish priests, e.g. financial acumen, counseling skills and referrals, collaborative approaches to ministry with the laity, personal annual retreats, spiritual direction, mentoring, etc. in order to utilize effectively their skills and gifts. Encourage priests to collaborate with laity in the areas of their expertise.

    c. Implement the process, initiated as the "Continuum Program" in the 1980s and 90s in the Dioceses of Erie, PA and Buffalo, by forming and preparing lay committees to collaborate with the Seminary Formation Team in evaluating seminarians in their pastoral work of preaching, teaching, youth ministry, ministry to the sick and homebound and pastoral presence while they work in parishes as students and deacons and during the first year of priesthood. Continue the process of assigning seminarians to a "Pastoral Year" where they are assisted in their formation by a Parish Formation Team (composed of pastoral staff, support staff or parishioners at large).

    d. Broaden the pool of sacramental ministers (priests) in parishes administered by lay women and men. Rethink the assignment of a diminishing number of priests to parishes by having active priests, as well as retired priests, serving parish clusters with parish pastoral administrators leading individual parishes. And while acknowledging that finances may be tight, it is important that ways be identified to provide adequate remuneration as an incentive.

    e. Encourage parishes to implement a model for listening/dialogue circles as a process for growth, problem solving and strategic planning. Provide a Diocesan Coordinator for the process.

4. **We recommend Support for Shared Governance. Create a diocesan initiative to explore different governance structures both for our diocese and parishes which would have the potential of restoring trust, hope and parish viability.**

    a. Investigate the concept of "Shared Governance" as presented in the Appendix as one example. Lay-led boards governing diocesan and parish activities, working in partnership with the clergy, have strong potential for success they would engage well - prepared laity who able to take on the mission of the Church in partnership with clergy. We acknowledge that this particular recommendation has not yet been measured against present Canon Law. A change in Canon Law may be recommended going forward.

References

1. Our Lady of Grace Parish, Greensburg, PA - Parish Restructuring, cf http://www.ourladyofgracechurch.org/
    a. Parishioners sharing how they have found their place within the parish - http://www.ourladyofgracechurch.org/get-involved
    b. Leadership structure of the parish http://www.ourladyofgracechurch.org/Parish-Leadership
2. Sample, proposed Local parish shared governance model – attached as Appendix pages 56-63.

Appendix: Proposal[17] for Structural Change in the Diocese of Buffalo: Shared Governance

Introduction

Vatican II recognized that the faithful of the Church, both clergy and laity, needed to take ownership and responsibly lead the church. Each of the faithful has been given gifts by God and as members of the Body of Christ on earth, we are challenged and obligated to use those gifts for the betterment of our brothers and sisters. The gospels are clear: love one another, and serve one another.

The Spirit of Vatican II started a change in the church that made apparent that all faithful are active participants in the liturgies, in the ministries, and in the administration of the church. There was significant resistance to the changes authorized by Vatican II, both by clergy and laity. Yet, those changes authorized, when implemented had a positive impact on the faith communities.

Unfortunately, a persistent cleric centered culture and the resistance to change stopped much of the implementation before all the benefits were realized.

The Church has always proclaimed that the strength of the Body of Christ is determined by the faith exhibited by the family. **Family** has the primary responsibility for their faith formation. That responsibility is shared by their local faith community, and **the parish**. The parish also relies on the spiritual support and direction of the Clergy, from their Pastor, Bishop, and Pope.

The current crisis of faith in the Catholic Church and the Diocese of Buffalo appears to be a function of failed leadership, and ineffective management. The horrible stain of the sexual abuse revelations are foremost in the minds of Catholics, and steps must be taken to assist the victims and prevent a recurrence. The ineffectiveness of leadership and management, however, can be seen in many different issues that threaten the future of the Church; from falling attendance at Mass, to a dearth of priests entering the ministry, to shuttered churches and Catholic schools, to the lack of transparency and questionable approaches to financial matters.

Additionally, many question the efficacy of curriculum in faith formation of youth and adults as evidenced in attendance. Priests exhibit a fine grasp of scripture and interpretations, however, on many occasions fail at delivery of the homily or sermon. More training is needed in the area of speaking skills and relevant delivery to everyday parishioner lives. A drop in collections is also a manifestation of many of the aforementioned and perhaps even the lack of an excellent evangelization program to share faith and the Good News with fallen away Catholics, and non-believers.

The cleric-centered model that the Church operates under has placed under-qualified bishops and priests in positions of ultimate authority. Further, it appears as if they operate in authority with little or no oversight. That is how the sexual abuse crisis, and the other challenges listed above

[17] It is important to note that this Appendix on pages 56- 63 is intended to be a sample illustrating one potential model of parish shared governance. We recognize that it has not been fully vetted under Canon or civil law.

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occurred. We believe that is why the sexual abuse and other challenges existed because there was neither accountability nor transparency for the prelates in position of control.

Priests and religious people are trained in the faith. Ask any new seminarian why they are considering the priesthood and they'll talk about their love of Christ, and wanting to share that love with others. You will not hear them talk about running a parish. His training is focused on the spiritual. The priest's purpose is sacramental, instructional, motivational, and communal. The skills developed in seminary pertain to that purpose: a good communicator, orator, listener, and counselor. Very few priests have been equipped to lead and manage organizations as complex as today's church communities, starting at the parish level, and proceeding up to the Diocesan level.

The duties of administration of a parish compromise the cleric's position as the spiritual leader of the parish. When a priest steps onto the altar to celebrate the Mass, he may also be bringing to the altar all the administrative baggage tied to running the parish. Why lay that at the feet of your spiritual leader? There are sacramental, spiritual and Christ centered community issues that require the pastor's unique education and skills, and this should be their focus.

Further, the cleric-centered model fails to recognize the true strength and vitality of the Church: the faithful in our communities and parishes. The laity in the parish community possess skills in the matters of organizations such as accounting and finance, human resources, marketing, and management. The time is long overdue for the Diocese of Buffalo to allow the laity to exercise their gifts and talents and place both authority and accountability in the hands of the faithful.

Called by God to use the gifts for the betterment of mankind and to spread the word by example and service, lay leaders have been educated to master the secular roles of society. Skilled in managing a home, career, and organizations, our lay faithful are underutilized in today's Church.

There is a Biblical precedent of the role of the laity serving the faithful. As the number of faithful continued to grow in the early Church, Jesus' Twelve Apostles recognized that it was necessary to devote themselves fully to prayer and the ministry of the word. To address this, the whole community chose seven lay faithful to tend to the administrative needs of the Church:

> *"At that time, as the number of disciples continued to grow, the Hellenists complained against the Hebrews because their widows were being neglected in the daily distribution. So the Twelve called together the community of the disciples and said, 'It is not right for us to neglect the word of God to serve at table. Brothers, select from among you seven reputable men, filled with the Spirit and wisdom, whom we shall appoint to this task, whereas we shall devote ourselves to prayer and to the ministry of the word.'" Acts 6 (1-6)*

This is similarly addressed in Lumen Gentium (33) where in speaking of the parish it says:

> *The lay apostolate, however, is a participation in the salvific mission of the Church itself. Through their baptism and confirmation all are commissioned to that apostolate by the Lord Himself. ... Thus, every layman, in virtue of the very gifts bestowed upon him, is at the same time a witness and a living instrument of the mission of the Church itself "according to the measure of Christ's bestowal."(Eph 4:7)*

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Besides this apostolate which certainly pertains to all Christians, the laity can also be called in various ways to a more direct form of cooperation in the apostolate of the Hierarchy. This was the way certain men and women assisted Paul the Apostle in the Gospel, laboring much in the Lord.
Consequently, may every opportunity be given them so that, according to their abilities and the needs of the times, they may zealously participate in the saving work of the Church.

The time has come in the Diocese of Buffalo to focus our Bishop and priests on prayer and to the Ministry of the Word, and place the temporal business, finance, and operational aspects in the hands of qualified lay leaders—at all levels of the Diocese. The church structures recommended below have been designed using the following core principles.

Guiding Principles for Restructuring the Church

- Shared Governance, properly structured, is an essential component in accomplishing the core goals of Justice, Co-Responsibility, Transparency, Accountability, and Competency.
- The Clergy have the knowledge, skills, and training to lead the spirituality of the Church in the pursuit of its primary mission.
- The Laity have the knowledge, skills, and training to lead the administration of the Church in the pursuit of its primary mission.
- The Faithful have accepted and committed themselves to their respective responsibilities as full members of the Body of Christ on Earth. The abdication of that responsibility would be a sin of omission.
- Shared Governance would release the clergy from time consuming, energy draining administrative tasks. Clergy's sacramental functions would be enhanced with the absence of the cloud of unpopular administrative decisions.
- Laity would have a more meaningful role in the church. Studies have shown that when members of non-profits become more active in meaningful ways, their involvement and contributions increase.
- Parishioners consider "our church" to mean their local faith community. Parishioners feel vulnerable regarding ownership in their local faith communities. They invest their time and treasure in the community when the decisions affecting its future are made at the Diocesan level, sometimes without their input and seldom with their consent. If this is truly "Our Church" this "top down" decision process needs to change before trust can be restored and maintained over time.
- Collaboration and honest discussion works. It's all about the mission and the best approaches; power and prestige have no place at the table.

The shared governance recommendation that follows incorporates the above principles. Further discussions with stakeholders are necessary to develop a structure and culture that best serves the Church. Full implementation may require modifications to canon law.

Recommendation #1: Parish Organization

To initiate this change, the structure of the Diocese needs to be substantially changed in order to produce viable parish communities. Rather than begin with a position of ultimate authority (the Pastor or Bishop), the new organization needs to begin with the people who represent the true strength of the Church: all the faithful working in collaboration. The primary faith community,

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the family, and the women who bind those faith communities together (family and parish) all have a place in the decision making process.

Today each parish's structure and culture is dependent upon the management style of its current pastor. That priest's particular management style in-turn determines the degree of involvement of all the faithful in that community. Too often, changes in pastors lead to changes in the culture and structure of the parish. The result is the community which families have built with their talents and treasure, does not have any authority on decisions that affect their very future. How can we say in our Catechism and Canon Law that, as faithful, this is our Church, if we have no authority to determine the composition of our faith community, the parish?

We propose a new standardized parish organization as follows:

Parish Board of Directors: The role of the Parish Council should be expanded into a Parish Board of Directors, responsible for the overall governance of the Parish. As such, it would go beyond the role of advisement currently attributed to Parish Council, to direction. Direction deems authority. The Parish Board of Directors would be comprised of members of the laity who would serve rotating terms with term limitations. It would elect its own lay chairperson and officers. The Board would operate as a typical not-for-profit body, responsible for the mission, strategy, and broad operating goals of the Parish. It would be responsible for the oversight and performance of the Pastor and paid and volunteer Parish staff. It would approve major plans and initiatives, be responsible for the annual capital and operating budget, and ensure that the organization was in compliance with all applicable laws and regulations. It may be comprised of the following members:

- Finance Committee Chairperson
- Audit Committee Chairperson
- Building and Grounds Chairperson
- 3-7 additional at-large members
- Board of Trustee members

The Pastor and Lay Administrator (defined below) would serve as members of the Board in ex-officio capacities.

There are many committees and advisory boards established at the parish level. The degree to which the lay groups' recommendations are followed play a major role in the vibrancy and vitality of the faith community.

The Board of Directors would be served by several standing board directors such as head or director of School Board, Religious Education Board etc. Each of those would have their own sub-committees, headed by Board members, and including non-Board member parishioners, according to the needs of each parish. Standing Boards would include:

- Parish Life Board– Ministries responsible for community building, spiritual development and the ongoing vibrancy of the Parish as exemplified by growth of the parish and ministries, collections, prayer life, and attendance. There are dozens of ministries possible. The most common ones are Outreach to Homebound and Nursing Homes, Music,

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Worship, Prayer and Adoration, Evangelization, Youth Group, Social & Fellowship, Annual Fundraisers, Right to Life, etc.

- Finance—responsible for oversight of Parish assets, a long-term financial plan, and the annual operating and capital budgets.
- Audit—responsible for ensuring sound controls are in place protecting all Parish assets, including all Church societies. Included in this scope is oversight over a Compliance Plan, ensuring that high priority risk areas are identified and addressed. There may be another type of audit to include an audit of all boards and ministry with the purpose to review, discuss, and recommend in a non-confrontational manner with each board on measures such as the following: did board accomplish goals, fulfill their mission statement, budget needs, and assist with visioning.

Such availability would build in a self-audit of each standing board, and share with the Board of Directors an opportunity for evidence based performance review. Additionally, the Diocese may offer help by sharing which parish is doing the ministry well, and may assist with contact info for assistance.

- Nominating—responsible for the development of new Board members, and the nomination of Board Officers, and the review of new Pastor and Lay Administrator candidates.
- Building and Grounds—responsible for the planning and development of the physical assets of the Parish
- Religious Education Board – responsible for the programs involving school age children in the Parish
- School Board—for those parishes with elementary schools.

Other committees would be established as needed by each individual parish.

The daily operation of the Parish would function in a "Shared Governance" model, with the Pastor and Lay Administration working together, both reporting to the Board of Directors.

Parish Business Operations: Responsibility for day-to-day Parish responsibilities would lie with a professional manager—the Lay Administrator. Duties would include:

- Recruiting, hiring, and overall performance oversight of all non-religious Parish staff.
- Management of the annual Parish operating plan, including administering the capital and operating budget and ensuring operating within those guidelines.
- Management and oversight of Parish operations, including revenue management, banking relationships, compensation and benefits, equipment, inventory and supplies, utilities, outside contracts, and integration with Diocesan counterparts.
- Management and oversight of Parish buildings and grounds, addressing day-to-day operations.
- In parishes with elementary schools, oversight of the school principal.
- Attend meetings of standing Boards on as needed basis.

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Pastoral Responsibilities would focus on the spiritual health and growth of the Parish, the administration of the sacraments, adult and youth faith formation programs, outreach ministry, music ministry, and spiritual guidance to the Parish and its members.

Recommendation #2: Diocesan Organization

Diocesan Board of Directors: Following in the same vein, the Diocese will be managed by a Board of Directors composed of both religious and lay members.

Vicariate: Twelve Vicariates in Diocese of Buffalo

The lay directors will be selected by the laity within each vicariate. Each parish will select a lay person to represent their parish on their vicariate's Lay Advisor Council. Each vicariate will select a lay person to serve on the Diocesan Board of Directors.

A separate religious committee should be convened to determine the initial and subsequent selection of religious board members. The religious members should represent all parts of the religious community, with a focus on parish priests and nuns.

The Bishop and Senior Lay Administrator (described below) would function as ex-officio members of the Board.

Once convened, the new Board of Directors for the Diocese would elect its own lay chairperson and officers. Like the Parish Boards described above, the Board would operate as a typical non-profit body, responsible for the mission, strategy, and broad operating goals of the Diocese. It would be responsible for the oversight and performance of the Bishop and the Lay Administrator. It would approve major plans and initiatives, the annual capital and operating budget, and ensure that the organization was in compliance with all applicable laws and regulations.

The Board would be supported by several standing sub-committees, each chaired by a Board member, and populated with both lay and religious members. Standing administrative committees would include:

- Finance
- Audit
- Investment
- Priest Retirement
- Lay Pension
- Real Estate
- Others as needed

Standing Spiritual committees would include:

- Faith Formation both youth and adult with Family as center
- Seminary
- Evangelization- growing the Church by spreading the Good News
- Others as needed

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Diocesan Operations

Following the Parish model, the new operating model of the Diocese will have two divisions: Spiritual and Administrative. The Spiritual Division will be managed by the Bishop and with laity assistance.

The list is long for the Bishop and with input and assistance of the Laity, the many tasks and groups may be covered. Some in the following list may be more appropriately handled by the Administrator.

The Spiritual Division will include these functions:

- Liaison to the Catholic Health System
- Christ the King Seminary
- Catechumenate
- Chancery
- Charismatic Renewal
- Cultural Diversity
- Family Life
- Holy Name Society
- Lifelong Faith Formation
- Music
- Evangelization and Parish Life
- Pastoral Services
- Permanent Diaconate
- Pro-Life Activities
- Pontifical Mission Societies
- Priest Personnel Board
- Tribunal
- Vicar for the Religious
- Vocations
- Worship
- Youth and Young Adult Ministries
- Camp Turner Programs

The Administrative Division will be managed by a Senior Lay Administrator with experience running a service organization of comparable size to the Diocese of Buffalo.The Administrative Division will include these functions:

- The Diocesan Foundation
- Catholic Charities
- Baker Victory Services
- Catholic Education
- Safe Environment
- Buildings and Properties
- Central Services

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- Communications
- Computer Services
- Financial Administration
- Human Resources
- Internal Audit
- Payroll
- Purchasing
- Research and Planning
- Camp Turner Operations

The Senior Lay Administrator and Bishop will operate in a "Shared Governance" model, each reporting to the Board.

Again, it must be stressed spirit filled Laity is willing and can be very helpful to the Bishop and to the Administrator. They are the hands and feet on the ground that can restore and rebuild parish, vicariate connectedness, restore trust, build a new reality in the church, bring goals and needs into the big picture at the Diocese level. The family, faith community and the future of the Church depends on it.

Recommendation #3: Lay Leadership in selecting Bishops and Pastors
Today the structure and culture of the Diocese, and of each parish, is dependent upon the management style of its current bishop or pastor. That management style determines the degree of involvement of all the faithful in that community. As identified in Recommendation #1, too often changes in bishops/pastors change the culture and structure of the Diocese/parish.

To ensure that the Shared Governance model endures, it is critical that lay leadership have a substantive voice in selecting new Bishops, and new pastors. At any other non-profit organization, the CEO is hired by the Board of Directors, and we recommend that similar practice be put in place in our Diocese:

- New pastor candidates would need to be reviewed and approved by the respective Parish Board of Directors prior to assignment, to ensure the candidate supports Shared Governance, and to ensure a good culture fit with the faith community.
- New bishop candidates would similarly need to be reviewed and approved by the Diocesan Board of Directors for the same reasons.
- A 2/3rd vote of the BOD's is required to remove the clerical leadership, and only after a three step corrective action process has been completed.

The goal of this approach is to provide community-focused parishes and diocese that allow for participation in the salvific mission of Christ, brought to life by our pastors, build strong, welcoming parish communities, and allow for the spread of the Good News by the Body of Christ, his Church.

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WORKGROUP 6 – IMPROVEMENTS IN THE FORMATION OF PRIESTS & PRIESTLY LIFE

It is evident based on current information regarding the program for educating and forming seminarians at Christ the King Seminary that the faculty and administration have in place a curriculum that is aligned with and inclusive of the USCCB Program for Priestly Formation (PPF) and is in accord with Magisterial Teachings for Seminary Formation.

We base our recommendations on the information that has been provided to us by the seminary and those variously associated with the seminary, our experience of parish life, knowing priests, welcoming seminarians into our parishes, and mental health professionals in our group and at the Diocesan Counseling Center.

Our recommendations include:

1. An added focus on the "human" pillar within seminary formation
2. Transparency and accountability in psychological services
3. Improved servant leadership and other training during formation
4. Continued formation and accountability for our current and future priests
5. Integration of priests into parish and family life as well as safeguards against isolation and the establishment of unhealthy ways of relating

1. Adding Focus to the Human Dimension Within Seminary Formation

We recognize that priests are called to leadership in a community and that such guidance is modeled on the Good Shepherd who knows His sheep, is known by His sheep, and leads through service. The Movement to Restore Trust Priestly Formation Group recommends the following regarding an increased focus on the Human pillar in the formation process:

a. Consideration and exploration of the relocation of the seminary to an urban setting[18] where seminarians can experience and broaden relationships with others who hold differing theological, philosophical, and cultural perspectives. In addition to providing benefits in terms of increasing exposure to diverse elements of the human condition, this would also reduce isolation.

b. Involvement by the seminary in teaching the church's message that there is a moral imperative to seek and provide justice and healing to victims of clergy sexual abuse.

c. Establishment of a third party, independent of the seminary and staff, available to seminarians to whom they can express concerns about any alleged experiences of sexual harassment or inappropriate behavior from staff, faculty, or other seminarians.

[18] Any relocation could have significant cost reduction benefits but would also require careful consideration of the investments made in the current seminary through the Upon the Rock campaign to ensure that it would not erode or damage the trust of the faithful (lay and ordained) who donated to that campaign. The most important recommendation is how to ensure that the seminarians have broad experiences with a potential to reduce costs.

2. Transparency and Accountability in Psychological Services

Seminary applicants, seminarians, and diaconate applicants are provided psychological services at the Diocesan Counseling Center. These services include an extensive psychological assessment prior to acceptance to the seminary or diaconate, a psychosexual assessment of seminarians while in the second year of formation, and mental health counseling as needed. The staff of Diocesan Counseling Center has extensive experience in this work, communicates regularly with the Christ the King Seminary and the Diaconate Programs, and obtains continuing education training in psychological assessment of church ministers. The initial psychological evaluation prior to entrance into formation programs includes an autobiographical statement; a personal interview; an examination of the candidate's sexual orientation and vow of celibacy; and a testing battery with administration of current, validated, and relevant psychological tests assessing personality, interpersonal relationships, personal needs, psychopathology, and career interests. The psychosexual assessment completed during the second year of formation involves an extensive psychosexual history interview and exploration of the charism of celibacy. Seminarians who are in need of mental health counseling may receive services from the Diocesan Counseling Center, or, if necessary, may be referred to external service providers for ongoing counseling, psychiatric medication management, and further specialized psychosexual evaluation.

The Movement to Restore Trust Priestly Formation Group recommends the following regarding the use of psychological services in the formation process:

a. As all current staff members of the Diocesan Counseling Center are clergy or religious and the potential for like-minded thinking can be created when any organization has staff members from only one group, it is recommended that the Diocesan Counseling Center hire lay professionals as full staff members to complete psychological assessments and provide counseling services to avoid any semblance of a conflict of interest in this regard.

b. It is further recommended that a group of lay mental health professionals is formed to participate in regularly scheduled clinical case review at the Diocesan Counseling Center. Best practices in the provision of mental health services include a peer review process. Regular, ongoing consultation with mental health peers in the laity will assist in ensuring transparency.

c. Further broadening the mental health and service providers to include an accredited provider agency, independent of the Diocese, to provide objective psychological and psychosexual assessments and treatment planning. Such objectivity may provide differential interpretations of assessment data and treatment modalities.

d. Exploration with the Leadership Roundtable and with other dioceses to learn how others have implemented best practices regarding their policies and procedures for psychological assessments and provision of counseling services.

e. As indicated in the Congregation for the Clergy's Ratio Fundamentalis Instititionis Sacertodalis - "The Gift of a Priestly Vocation," seminarians in need of mental health counseling services need to be made aware that they are able to make their own choice as to whether they prefer treatment at the Diocesan Counseling Center or by a non-Diocesan lay professional approved by the diocese.

f. The Diocesan Counseling Center and the Seminary are clear and transparent to the laity and seminarians about their policies regarding chastity and the charism of celibacy in seminary acceptance.

g. Provision of detailed information on Diocese's website for access by the laity regarding mental health assessment and services for seminary applicants, seminarians, priests, religious, and deacons, including the information provided in the Diocesan Counseling Center Assessment Program for Church Ministry information pamphlet with a listing of the specific psychological tests administered to seminary candidates to further enhance transparency.

3. Improved Servant Leadership Development and other training during formation

Recognizing that priests are being asked to be leaders of the faithful and their parishes and that dysfunctional hierarchal leadership is a root cause of the dual crisis, we recommend a focus on Servant Leadership and power dynamics be included in formation. The Servant Leadership model recognizes that he who would be first must be the last and the servant of all and encompasses the thoughts that presiding at public prayer takes its meaning from the congregation present and that effectiveness in one's leadership is borne of personal prayer and reflection. We suggest the following specific training in this area:

a. Servant leadership should be taught in courses where the seminarians develop leadership skills for a variety of situations they may encounter in parish life.

b. Seminarians and priests should receive training on power dynamics, clerical abuse of power, and dealing with vulnerable adults.

In addition, we believe that the seminary can and should be in the forefront of communicating the church's message that there is a moral imperative to seek and provide justice and healing to victims of clergy sexual abuse as well as to those clergy members who have been falsely accused of such actions.

4. Continued Formation and Accountability for our Current and Future Priests

As with any discipline, it is imperative to receive continued training and education. This training is vital to the responsibilities of a priest. The challenges and culture shifts of today put priests in an ever-changing environment, and they need to be equipped to face those challenges. We suggest the following to help aid the clergy in their continual growth:

a. Priests be required to participate in continuing education. Further, we recommend that if a priest has not fulfilled his obligation for what is mandated for spiritual growth (retreats, workshops, etc.) then he will be subjected to disciplinary actions which could lead to being put on administrative leave for continued lapses without sufficient reason, until he has completed the training.

b. The Bishop, as Shepherd to the Shepherds, fulfill his responsibility to mentor and educate his team of priests coaching them to become the best version of themselves. This can be done by:
   i. Having more face to face meetings between the Bishop and his clergy.
   ii. Holding workshops that are led by the Bishop personally.
   iii. Creating an online forum where priests can actively communicate with the Bishop.
   iv. Holding more frequent meetings between the Bishop and the clergy to maintain a culture of cohesion and communication.

c. Identification of competent and confidential resources to assist clergy in self-care, psychological and emotional health and general well-being, including clearly the Diocesan Counseling Center, but also lay service providers in the community.

d. Creation, by the Diocese and Lay Commissions, of accountability measures for ongoing formation, spiritual renewal, homiletic improvement, community integration, and self-care. Priests need to be held accountable for their continuing education.

e. Further enhancement of the program that trains for homiletics, both in delivery and content, recognizing that preaching is an essential duty of the priest. This includes maintaining control of the length of time one preaches; using literature, imagination and the art and skill of storytelling; development of public speaking skills; working with international accent acquisition programs; and fashioning homilies that are relevant to the lives of congregation members. Preaching requires more than innate talent, and it may be the only connection a priest has with the majority of the congregation.

f. Continued education in servant leadership and power dynamics.

5. Integration of Priests into Parish and Family Life as well as Safeguard Them Against Isolation and the Formation of Unhealthy Ways of Relating

It is highly likely that most, if not all, priests are experiencing pressure and stress under the current circumstances of scandal. The declining number of priests tending to the laity results in the clergy being overworked. Therefore, we highly recommend the increased attention be paid to the continuing care and formation of our priests. We want to express our concern especially for those priests who live alone in rectories and must cover multiple parishes. We recommend:

a. A more communal model of living for priests. We understand that there are financial hardships that go along with this but we as a group feel it is imperative that priests are not to be isolated after ordination and beyond.

b. Additional resources for parishes to manage the "business" of the church. With the declining number of priests, their time should be focused primarily on their gifts, mainly the administration of the sacraments. Other duties can be led by the laity with managers handling the day-to-day operations. This can be done using a collaborative leadership model to address the multi-dimensional business, organizational, human, spiritual, and pastoral tasks of parishes, with full participation of women.

c. Parish communities, along with brother priests and with the help and encouragement of the Diocese, take a more active role in caring for their priest, to pastor the pastor.

d. That parish communities make deliberate efforts to integrate a priest into the church community through socializing, and invitations into homes amid families. This effort needs to be facilitated on a Diocesan level.

In conclusion, this committee recognizes the need for the further development of a variety of components related to seminary formation and clergy support. We recommend new structures for decision making that would incorporate the voice of the laity. This committee would like to see the *Movement to Restore Trust* serve as an ongoing consultative resource for various areas of Diocesan concerns. We believe that serving as an ongoing resource would help in bridging the lay/clerical gap within our diocesan structures.