

# **EXHIBIT R**

**NON-MONETARY UNDERTAKINGS OF THE ROMAN CATHOLIC CHURCH OF  
THE DIOCESE OF GALLUP, THE BISHOP OF THE ROMAN CATHOLIC CHURCH  
OF THE DIOCESE OF GALLUP AND THE DIOCESE OF GALLUP**

1. The Diocese<sup>1</sup> and the Debtors shall comply with all policies and procedures regarding child abuse<sup>2</sup> and vulnerable person abuse prevention for all the Diocese's clergy, employees, representatives, agents and spokespersons and Diocese schools. The Diocese shall also include the current policies and procedures on the website of the Diocese.

2. The Diocese and the Debtors shall continue to require and fund annual mandatory reporting training for all of its employees and clergy who are in active ministry. Such training shall be in compliance with any laws on mandatory reporting and the internal policies and procedures of the Diocese.

3. The Diocese and the Debtors shall comply with all applicable laws regarding the reporting of abuse within the Diocese. The Diocese will inform all priests, religious employees, lay employees, representatives, agents and spokespersons within the Diocese to report any abuse within the territory of the Diocese.

4. The Diocese and the Debtors shall direct all priests, religious employees, lay employees, representatives, agents and spokespersons not to refer either verbally or in writing (including via email) to Tort Claimants as "alleged" claimants, "alleged" victims or "alleged" survivors and will require the same to refer to Tort Claimants as "survivors of clergy sexual abuse" or "survivors of sexual abuse perpetrated by lay employees."<sup>3</sup>

5. For a period of not less than ten (10) years after the Effective Date, the Diocese shall post through a prominent link on the Diocese website's home page,<sup>4</sup> a list of the names of all known priests, religious,<sup>5</sup> employees, or lay employees of the Diocese, or the current parishes, missions and schools within the geographic parameters of the Diocese, against whom credible allegation of abuse have been determined by the Diocese in compliance with the internal policies of the Diocese. As of the filing of the Plan, the Diocese has already published such names both on the website of the Diocese and in the *Voice of the Southwest* and in parish bulletins. After the Effective Date, the Diocese shall add any additional names to list to the extent that the Diocese

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<sup>1</sup> Capitalized terms used herein shall have the same meanings and definitions as in the "Debtors' Plan of Reorganization dated March 21, 2016," [Dkt. No. 540] as may be amended.

<sup>2</sup> References herein to "child abuse" and/or "sexual abuse" shall include the definition of the term "Abuse" contained in the Plan.

<sup>3</sup> This provision shall not apply to any Unknown Tort Claimant who asserts that he or she was abused after the Tort Claims Bar Date until such time that the abuse described by such Unknown Tort Claimant is deemed credible by the Diocese or an independent third party (including law enforcement).

<sup>4</sup> For purposes of these undertakings, references to prominent links on a website homepage shall mean a clearly labeled link that does not require more than two "clicks" to access referenced materials. Any reference to the Diocese's homepage shall be to the principal website maintained by the Diocese at any given time.

<sup>5</sup> "Religious" means religious of any Catholic religious order operating within the geographic boundaries of the Diocese whether or not such religious had faculties from the Diocese.

determines there are additional individuals where credible allegations of abuse have been determined by the Diocese in compliance with the internal policies and procedures of the Diocese.

6. The Diocese and the Debtors will provide a mechanism for survivors to tell his or her story, if requested by the survivor.

7. Within sixty days after the Effective Date, the Bishop shall send letters of apology to all Tort Claimants and/or, if requested, to immediate family member(s) unless a Tort Claimant requests in writing that he or she does not wish to receive a letter. Letters of apology shall state that the survivor was not at fault for the abuse and that the Diocese takes responsibility for the abuse. The Bishop shall personally sign the letters of apology.

8. The Bishop will personally visit each operating Parish or Catholic school in which abuse is alleged to have occurred or where identified abusers served, with a schedule to be published at least thirty (30) days in advance of each meeting (including by posting on the Diocese's website, posting in the Parishes, publishing in the Parish bulletins, publishing in the *Voice of the Southwest*, and by reasonable notice to all Tort Claimants of any such meetings), inviting all known survivors of abuse in that Parish or geographical area to attend and shall provide a forum/discussion during his visit to address questions and comments. The Diocese shall provide a telephone number and email address for parties to contact on a confidential basis in order to schedule a meeting. The Bishop shall be available upon reasonable notice to have a private conference with any Tort Claimant or any other person that informs the Diocese that he or she was sexually abused by clergy, religious or employees of the Diocese.

9. The Debtors and the Diocese shall provide counseling without delay with respect to sexual abuse for all Tort Claimants in accordance with the policies and procedures of the Diocese and the Debtors.

10. The Diocese shall identify and retain a person responsible for assisting victims of sexual abuse. Such person's responsibilities shall include coordinating treatment. Such person shall be available for direct verbal communications with victims of sexual abuse. Contact information (phone and email) for such person shall be posted on the Dioceses website. Communications from sexual abuse victims shall be returned within two (2) Business Days.

11. The Diocese shall prominently and visibly display a plaque (no smaller than 8.5 inches by 11 inches) in each operating Parish and Catholic school within the geographic boundaries of the Diocese stating: "This Parish (or school) is strongly committed to the emotional, physical, spiritual and moral wellbeing of all of its members. Abuse of any kind will not be tolerated." Such plaques shall be ordered within sixty days of the Effective Date and will promptly deliver the plaques to the Parishes and schools after received by the Diocese.

12. Diocese and the Debtors shall continue to comply with Article 3 of the Charter for Protection of Children and Young People regarding confidentiality provisions in settlement agreements. The Diocese and the Debtors shall not require a confidentiality provision in any future settlement agreements, unless requested by the survivor.

13. The Diocese shall publish on the Diocese's website home page, or its successor, as standalone documents, these non-monetary stipulations for a period of five (5) years after the Effective Date.

14. As long as *Voice of the Southwest* remains in publication, the Diocese will publish in the *Voice of the Southwest* four (4) times per year for five (5) years after the Effective Date, a prominent statement urging victims of sexual abuse to contact law enforcement (the police department and/or the county attorney's office), the Diocesan Victim's Assistance Coordinator, doctor or other health care professional or other trusted person to make a report of any Abuse.

15. The Debtors and the Diocese will provide status reports to the Trustee regarding compliance with these undertakings. The reports will be provided semi-annually for two (2) years after the Effective Date. Nothing about these continuing reporting requirements will prevent the issuance of a final decree or closing the Reorganization Cases.

16. Counsel for the Committee is currently in possession of copies of the "priest files," subject to certain privileges, for the abusers of the Tort Claimants. These documents were provided to counsel for the Committee under a the terms of the confidentiality agreement and Order of the Bankruptcy Court which, among other things, prevented distribution of those files to any person or entity other than Committee counsel. Debtors agree that, immediately upon submission of these non-moneteries to the Bankruptcy Court it will request that through the order approving the Disclosure Statement, the Court modify the confidentiality order to address the issues raised in this Paragraph 16 and Paragraph 17 below.

If, prior to confirmation of a plan, a Tort Claimant wishes to see the priest file of his or her abuser, counsel for the Committee may allow the Tort Claimant to view such file, but no copies from the file or duplicates of the file(s) will be provided to the Tort Claimant. Such production shall be limited to the procedures set forth herein, as ordered by the Bankruptcy Court or as may further be agreed to between the Committee and the Debtors. The Tort Claimant will only have access to the file of his or her abuser, and such file will be provided electronically by the Committee to the Tort Claimant. Such file will be for the Tort Claimant's eyes only and may not be duplicated in any manner. Subject to specific terms to be further agreed upon between the Committee and the Debtors, the files will be password protected, and may only be accessed by the intended recipient. The file may only be viewed the Tort Claimant and both counsel for the Committee and the Debtors will receive notice that the file has been accessed by the intended recipient. Upon such notification, access will no longer be allowed, except as agreed upon by the Debtors and the Committee. To be clear, any duplication (including, but not limited to photographing, imaging, copying, printing, saving and scanning) of such a priest file will be strictly forbidden by the order of the Court, and anyone who violates the Order and/or the terms of these non-moneteries may be subject to sanctions, as ordered by the Court. The provisions of this Paragraph 16 and Paragraph 17 below shall only apply to those priest files that are not publically available. To the extent that a priest file is publically available, the Tort Claimant may access such files through those public websites and the Debtors and/or the Committee are under no obligation to provide such files.

17. Counsel for the Committee shall hold these priest files as referenced in paragraph 16 for a period of one (1) year from the Effective Date, and on the first anniversary of date of

entry of the Order modifying the confidentiality order, counsel for the Committee shall destroy all such files and notify counsel for the Debtors or Reorganized Debtor that those files have been destroyed as required by the confidentiality order. If, during this one (1) year period, a Tort Claimant wishes to view the file of his or her abuser, he or she may do so in accordance with the provisions of paragraph 16, including the possibility of sanctions if the Tort Claimant does not abide by the requirement for viewing the files and/or the order of the Court.