



November 25, 2019

BY MAIL AND EMAIL

Rev. Msgr. Joseph J. Reilly
Rector, Immaculate Conception Seminary
400 South Orange Avenue
South Orange, New Jersey 07079

Notice of Special Task Force Hearing

Dear Msgr. Reilly,

From its founding in 1856 as Seton Hall College to the present day, Seton Hall University (“SHU”) has been dedicated to the vision of its founder, Bishop James Roosevelt Bayley, as “a home for the mind, the heart, and the spirit.” The priest community has been a defining aspect of Seton Hall from the 19th Century to today. Our Catholic identity has always been a cherished and essential part of who we are as a university. Dedicated priests have provided a lifetime of service to Seton Hall, its students, and its mission. SHU owes much to all of you.

This rich history of service and devotion to mission stand in stark contrast to the sexual misconduct allegations that surfaced last year against Theodore E. McCarrick, former Archbishop of Newark, who served as Chair of SHU’s Board of Trustees (“BOT”) and President of its Board of Regents (“BOR”) from 1986 to 2000. In September 2018, in keeping with its ethical and legal obligations as the governing body of a Catholic university, the BOR commissioned an independent investigation of those allegations by the widely respected international law firm Latham & Watkins LLP (“Latham”). That investigation resulted in a series of factual conclusions regarding the former Archbishop’s conduct and that of administrators, faculty, staff, and clergy, including certain current BOT and BOR members, who were involved with Immaculate Conception Seminary (“ICS”) and St. Andrew’s Hall (“SAH”) during the former Archbishop’s tenure. Latham attorneys orally presented those conclusions to the BOR at a specially convened meeting on August 27, 2017 (the “Special Meeting”), and Latham issued a written report detailing them on September 6, 2019 (the “Latham Report”).

The conclusions set forth in the Latham Report are as follows: (a) as alleged, the former Archbishop engaged in sexual harassment during his tenure; (b) certain SHU employees and current BOR members did not cooperate fully in the investigation; (c) certain current and former SHU employees holding leadership positions, current and former BOR members, and current BOT members were aware of the former Archbishop’s misconduct while it was occurring but, for various reasons, failed to report that conduct; and (d) certain SHU employees, current BOR members, and current BOT members had knowledge of sexual harassment by or against ICS seminarians, but did not report that conduct to SHU administrators in accordance with the University’s sexual harassment policies. You are receiving this notice because you are

one of the individuals implicated in the Latham Report. The Latham Report findings specific to you are set forth below.

Upon learning of the Latham investigation findings, and again acting in accordance with its ethical and legal obligations as the governing body of a Catholic university, the BOR unanimously passed a resolution on August 27, 2019, (the “BOR Resolution”) approving a Responsive Action Plan, crafted by outside counsel, to address the misconduct of the involved individuals. The BOR Resolution provides, in pertinent part:

- (1) any employee or Board member who did not participate in the independent review cannot continue as an employee, Board member, or reside on campus;
- (2) any BOT member, BOR member, or current employee in a leadership position at the time of the former Archbishop’s misconduct who both (a) had knowledge of that conduct; and (b) failed to report it or take action to protect ICS seminarians cannot serve as an administrator or a BOR or BOT member and cannot serve in any leadership position at SHU;
- (3) any current employee, BOT member, or BOR member with knowledge of sexual misconduct claims involving ICS seminarians (separate and apart from the allegations against the former Archbishop) who failed to (a) report that conduct; or (b) take action about it as required by SHU’s sexual harassment policies cannot continue as a Board member or serve in any SHU leadership position;
- (4) any person who engaged in the conduct described in subsections one through three above might not be permitted to reside in SHU university housing, depending upon the severity of the person’s conduct; and
- (5) before any corrective action is taken, all individuals implicated in the Latham Report who are currently SHU employees or BOT or BOR members will be given the opportunity to (a) voluntarily resign his position; or (b) respond to the Latham Report’s findings at a meeting of a Special Task Force comprising BOT/BOR members appointed by the BOR Chair in consultation with the BOT Chair (the “Task Force”); or (c) neither resign nor appear before the Task Force.

The Task Force’s goals are to provide each implicated individual with due process, proceed in good faith, and ensure confidentiality. All final decisions regarding the implementation of personnel recommendations set forth in the Responsive Action Plan will be made by the BOR after the Task Force has met, reviewed the relevant facts, and made its recommendations to the Chair of the BOR. The opportunity to respond to the Latham Report findings is solely for the purpose of providing mitigating information and evidence bearing upon the appropriate sanction to be imposed in light of those findings. It is not an opportunity to contest, dispute, or appeal the factual findings in the Latham Report.

FINDINGS SPECIFIC TO YOU

The Latham Report found that you were aware of sexual harassment allegations involving ICS seminarians and did not report such allegations to SHU officials, in violation of the university’s Title IX policies. The Latham investigators also found that you declined to answer questions regarding certain sexual harassment at SAH of which you were aware during your time as Rector of ICS. As a result, the Responsive Action Plan recommends that the Archbishop of Newark remove you from your position as Rector of ICS. The Responsive Action Plan also recommends that you be removed from your position on the BOT and the Board of Overseers, but that you be permitted to continue as a faculty member and to

continue living on the SHU campus, provided you enter into a housing license agreement, a form of which will be provided to you by the University.

The Task Force will convene meetings during the week of December 16, 2019, at the Hilton at Short Hills for those who respond to this notice by indicating that they wish to avail themselves of the opportunity to respond to the Latham Report's findings. Specific times will be assigned for each individual as soon as the Task Force receives each individual's response to this notice. You may reserve your meeting time with the Task Force by contacting Barbara Szewczyk at 973-849-1777 or bszewczyk@gibbonslaw.com by no later than 3:00 p.m. on Friday, December 6, 2019.

We hope you appreciate the University's need to implement the Responsive Action Plan and that you cooperate fully in this grave but essential process. Thank you for your understanding.

Respectfully yours,

Special Task Force of the Board of Regents

s/ Joseph P. LaSala

Joseph P. LaSala, Esq.
Chair of the Special Task Force