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Victim-Oriented Tort Law in Action: An Empirical Examination of Catholic Church Sexual Abuse Cases

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Catholic Church sexual abuse cases have received worldwide attention, with lawsuits and nationwide investigations reported in various countries. This study examines a procedure—a hybrid between tort litigation and a victim compensation fund—that not only allowed sexual abuse victims to seek monetary compensation on an individual basis, but also nonmonetary relief, including an apology, recognition, and measures against those responsible for the abuse. The publication of all decisions offers a unique opportunity to analyze what victims pursued by filing a claim, whether what they were offered matched their objectives, and what impacted the probability of victims obtaining certain types of nonmonetary relief. After analyzing 1,237 decisions, this study reveals a mismatch between what victims sought and what they were offered. Surprisingly, the presence or absence of a few panelists (out of 27) turns out to be the best predictor of whether adjudicators ordered nonmonetary relief. Consequently, whether victims obtained nonmonetary relief did not only depend on a proper legal infrastructure, but mostly on the mentality and attitudes of those participating in the system.

I. INTRODUCTION

Sexual abuse by the Catholic Church has received worldwide attention. Tens of thousands of victims have come forward in the last decades, urging nations to install investigation commissions in, for instance, Australia,¹ Belgium,² the

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¹See <http://royalcommission.com.au> (last accessed Apr. 20, 2017). See also <http://www.abc.net.au/news/2017-02-06/royal-commission-into-child-sexual-abuse-begins-in-sydney/8242600> (claiming that “more than 20 per cent of the members of some Catholic religious orders ... were allegedly involved in child sexual abuse”) (last accessed Apr. 20, 2017).

²Commissie voor de behandeling van klachten wegens seksueel misbruik in een pastorale relatie, “Verslag Activiteiten Commissie Voor De Behandeling Van Klachten Wegens Seksueel Misbruik in Een Pastorale Relatie (Onafgewerkt Wegens Inbeslagname Op 24 Juni 2010)” (2010).

Netherlands,³ Northern Ireland,⁴ and the United States.⁵ The outbreak of abuse cases has also led to various lawsuits⁶ and criminal investigations⁷ in a number of countries. Even governments have been held accountable. In Ireland, for example, a victim successfully claimed against the government for not providing an effective remedy to the particular victim (ECHR Article 13).⁸

In the Netherlands, an extralegal, victim-friendly procedure for victims of sexual abuse by the Catholic Church was designed and enacted in 2011.⁹ This procedure offers a unique insight into whether and how nonmonetary needs can be addressed within the context of tort law and compensation funds,¹⁰ as the decisions include information on why victims initiated the procedure and what types of relief (e.g., an apology, recognition of their suffering, an acknowledgment) they obtained. Because all cases are published, it was possible to analyze the entire population of victims who initiated a procedure.

This article is structured as follows. Section II discusses previous studies on the impact of sexual abuse, the nonmonetary needs that tort victims have, the needs of sexual abuse victims in particular, and how tort law commonly addresses these needs. Additionally, the procedure that was designed for victims of sexual abuse by the Catholic Church in the Netherlands is discussed. The article proceeds with the hypotheses that are tested (Section III), followed by a discussion of the methods that were used to gather and analyze the data (Section IV). Subsequently, the results are presented (Section V) and discussed (Section VI). The conclusion (Section VII) summarizes the main findings.

³See <http://www.onderzoekr.nl/eerste-onderzoek/eindrapport.html> (last accessed Apr. 20, 2017).

⁴See <http://www.hiainquiry.org> (last accessed Apr. 20, 2017).

⁵Anne Burke et al., *A Report on the Crisis in the Catholic Church in the United States* (National Review Board for the Protection of Children and Young People 2004), reporting 10,667 allegations between 1950 and 2002 against 4,392 priests; Michael D. Schaffer, *Sex-Abuse Crisis Is a Watershed in the Roman Catholic Church's History in America*, *Inquirer*, June 25, 2015 (last accessed Apr. 20, 2017), reporting complaints of sexual abuse by more than 6,000 priests between 1950 and 2011.

⁶For example Michael D. Schaffer, *Sex-Abuse Crisis Is a Watershed in the Roman Catholic Church's History in America*, *supra* note 5, reporting over 3,000 lawsuits.

⁷For example, the Belgian "Operatie Kelk." See <http://newsmonkey.be/article/47186> for an update (last accessed Apr. 20, 2017).

⁸*O'Keeffe v. Ireland* [GC], no. 35810/09, ECHR 2014.

⁹See Section II.C.

¹⁰For research on victim compensation funds, see Paul Heaton, Ivan Waggoner & Jamie Morikawa, *Victim Compensation Funds and Tort Litigation Following Incidents of Mass Violence*, 63 *Buffalo L. Rev.* 1267–74 (2015) (reviewing the literature on victim compensation funds); Francis E. McGovern, *The What and Why of Claims Resolution Facilities*, 57 *Stanford L. Rev.* (2005) (discussing claim resolution facilities in general).

II. BACKGROUND

A. Research on Needs of Victims of Child Sexual Abuse

The impact of child sexual abuse on victims' physical and emotional state is well-documented and difficult to underestimate.¹¹ Victims of priest abuse have been found to display symptoms of grief, anger, depression, sexual issues, sleep disorders, trauma, rage, and distress.¹² Their needs in relation to the offender vary. Victims of sexual abuse reportedly seek an apology from the offender, seek validation (i.e., that stepping forward was the right thing to do), desire the offender to take responsibility, and look for closure in order to move on.¹³ They reportedly pursue benefits in kind such as direct payments and counseling in a legal procedure in addition to nonmonetary relief.¹⁴ Financial goals have been found to be secondary to therapeutic expectations for victims of sexual abuse.¹⁵

The process of providing relief to victims of child sexual abuse can be complicated. A victim's feeling of self-worth may be attached to the offender, and therapeutic success of any relief provided by the offender is dependent on whether the thinking errors of the offender are continuous.¹⁶ For example, offenders who do not believe the conduct was abusive are likely to make an offensive apology to the victim, as are those who provide excuses or who legitimize their behavior to the extent that the only circumstance that prevents them from the abuse is the risk of getting caught.¹⁷

Particularly in cases of sexual abuse by the Catholic Church, the victim-offender relationship is often marked by the dependency of the victim on the offender, not only in terms of school performance, but also on the victim's psychological, emotional, and developmental level. Additionally, offenders in the context of sexual abuse by the

¹¹Karen J. Terry & Jennifer Tallon, *Child Sexual Abuse: A Review of the Literature* (John Jay College, 2004) (providing an overview of the literature).

¹²E.g., Michael J. Bland, *The Psychological and Spiritual Effects of Child Sexual Abuse When the Perpetrator Is a Catholic Priest*, 63(4A) *Dissertation Abstracts International* (2002); Kerry Fater & Jo Ann Mullaney, *The Lived Experiences of Adult Male Survivors Who Allege Childhood Sexual Abuse by Clergy*, 21(3) *Issues in Mental Health Nursing* (2000). See also Terry & Tallon, *Child Sexual Abuse: A Review of the Literature* at 40 (providing further references).

¹³Hilary Eldridge & Jenny Still, *Apology and Forgiveness in the Context of the Cycles of Adult Male Sex Offenders Who Abuse Children*, in *Transforming Trauma: A Guide to Understanding and Treating Adult Survivors* 133–34, ed. Anna C. Salter (Thousand Oaks, CA: Sage Publications, 1995).

¹⁴Bruce Feldthusen, Oleana A.R. Hankivsky and Lorraine Greaves, *Therapeutic Consequences of Civil Actions for Damages and Compensation Claims by Victims of Sexual Abuse*, 12(1) *Canadian J. of Women & the Law* (2000).

¹⁵*Ibid.*

¹⁶Eldridge & Still, *Apology and Forgiveness in the Context of the Cycles of Adult Male Sex Offenders Who Abuse Children*, at 136.

¹⁷*Ibid.* 137–41.

Catholic Church can easily be repeat offenders considering their continuous access to children, particularly in boarding schools.

B. Research on Nonmonetary Needs and Tort Law

That the offenders have the potential of being repeat offenders may set victims of sexual abuse apart from “ordinary” tort victims. The close relationship between victim and offender may also be an important difference between the two groups of victims. On the other hand, many similarities exist between ordinary tort victims and victims of child abuse. For example, they report similar needs. As with the research on sexual abuse victims, studies on tort victims in general have reported that even though financial reasons can be a primary force for tort victims to start a procedure¹⁸ (particularly in situations where the monetary compensation is essential to get one’s life back on track),¹⁹ monetary needs are not the only reason for tort victims to file a claim. An admission of fault or liability by the wrongdoer, an apology, validation, having the wrongdoer feel how much the wrong impacted the victim, and showing compassion are all examples of non-monetary needs that tort victims seek or pursue.²⁰ Additionally, closure, disclosure, accountability, prevention, and revenge have also been frequently reported in previous research as reasons to initiate legal action.²¹ Moreover, nonmonetary relief has been found to be more important to tort victims in several instances than monetary needs.²²

Scholars, policymakers, and practitioners have looked for possibilities to address nonmonetary needs of tort victims. In addition to common alternative dispute

¹⁸Gerald B. Hickson, Factors That Prompted Families to File Medical Malpractice Claims Following Prenatal Injuries, 10 JAMA 267 (1992) (reporting monetary needs as a prominent reason, immediately followed by the desire for information, revenge, and preventing future harm); LaRae I. Huycke & Mark M. Huycke, Characteristics of Potential Plaintiffs in Malpractice Litigation, 9 Annals Internal Med. 120 (1994) (502 telephone interviews with callers to U.S. law firms with malpractice complaints, reporting that approximately a third of the callers contacted the law firm because of monetary reasons).

¹⁹Hickson, Factors That Prompted Families to File Medical Malpractice Claims Following Prenatal Injuries (finding that victims claim because they recognized their injured child would have no future).

²⁰Tamara Relis, “It’s Not About the Money!” A Theory on Misconceptions of Plaintiff’s Litigation Aims, 3 Univ. Pitt. L. Rev. 68 (2007).

²¹C. Vincent, A. Philips & M. Young, Why Do People Sue Doctors? A Study of Patients and Relatives Taking Legal Action, 8913 Lancet 343 (1994) (survey study among 227 English patients and relatives who took legal action after a medical error occurred that finds the desire to prevent future incidents, the need for an explanation about what happened and why, financial compensation for losses suffered, and accountability are common reasons for patients to claim); Hickson, Factors That Prompted Families to File Medical Malpractice Claims Following Prenatal Injuries (U.S. telephone interview study among mothers of infants who experienced injuries or death as a result of medical malpractice).

²²F.A. Sloan et al., The Road from Medical Injury to Claim Resolution: How No-Fault and Tort Differ, 50 Law & Contemp. Probs. (1997) (finding nonmonetary needs to be more important than monetary needs in tort systems, and the reverse in no-fault systems); Huycke & Huycke, Characteristics of Potential Plaintiffs in Malpractice Litigation (finding that poor relationships with health-care providers and not being kept informed were reasons more frequently mentioned by victims who called a law firm for legal advice).

mechanisms such as mediation, other initiatives have emerged. For example, apology protection laws have been introduced that are aimed at stimulating wrongdoers to provide nonmonetary relief to victims.²³ Empirical research on apology protection laws, at least in a medical malpractice context, indicates that they increase the number of closed claims, reduce payment size, and reduce the number of insignificant injuries that tend to settle quickly.²⁴ Another example of an intervention aimed at providing nonmonetary relief to tort victims is the introduction of open disclosure programs in the medical field. Studies on disclosure in the medical field have revealed various positive effects of open communication after an adverse event.

Initiatives to stimulate offering nonmonetary relief, such as open disclosure programs, function in the shadow of the law. Apology protection laws are examples of how rules of evidence can assist in stimulating nonmonetary relief, apologies in particular. A gap in scholarly understanding is how tort law and compensation schemes can address victims' nonmonetary needs and, if not, what prevents the law from doing so.

C. Sexual Abuse Complaint Procedure and Compensation Scheme

The combination of a complaint procedure and a compensation scheme that was introduced in the Netherlands is one of the few examples within the context of tort law where a formalized procedure allows addressing monetary needs as well as nonmonetary needs. The procedures that were developed and implemented in the Netherlands originated from—as with other countries—a growing number of incidents of sexual abuse that were reported.²⁵ This resulted in the installment of several investigation committees that examined the sexual abuse and offered suggestions on how to deal with the sexual abuse cases.²⁶ Ultimately, an independent organization was founded (Meldpunt Seksueel Misbruik) that became responsible for handling the complaints and that offered

²³Examples can be found in various countries, including the United States (e.g., Benjamin Ho & Elaine Liu, Does Sorry Work? The Impact of Apology Laws on Medical Malpractice, 43 J. Risk & Uncertainty (2011) (reporting states with “full” and “partial” protection laws in Table 1) and Prue E. Vines, Apologies and Civil Liability in England, Wales and Scotland: The View from Elsewhere, 12 Edinburgh L. Rev. tbl. 1 (2008)), Hong Kong (in the process of consultation, see <http://www.doj.gov.hk/eng/public/apology.html> (last accessed Apr. 20, 2017)), Scotland (in the process of consultation, see <http://www.doj.gov.hk/eng/public/apology.html> (last accessed Apr. 20, 2017)), and Australia, Canada, and the United Kingdom (ibid., tbl. 1).

²⁴Ho & Liu, Does Sorry Work? The Impact of Apology Laws on Medical Malpractice, 143–44, 146 (finding that severe injury cases settle 19–20 percent faster in states that offer apology protection compared to states that do not; finding that apology laws reduce claim payouts in the most severe cases by \$58,000–\$73,000 per case and claim payouts in “somewhat” severe cases by \$7,000–\$14,000 per case; finding differences between “full” and “partial” apology protection laws). See also Jennifer K. Robbennolt, Apologies and Settlement Levers, 3(2) J. Empirical Legal Stud. 360 (2006) (finding no effect of apology legislation on how observers assess an apology).

²⁵Saskia Kinket & Roebijn Schijf, Herstelrecht Bij (Seksueel) Misbruik. Jeugdzorginstellingen, Pleeggezinnen En De Rooms-Katholieke Kerk, 14(3) Tijdschrift voor Herstelrecht 59 (2014).

²⁶Commission Deetman I (2011); Commission Bandell (2011); Commission Lindenberg (2011); Commission Deetman II (2013). See ibid. at 59 for an overview.

support for the sexual abuse victims who sought psychological help or assistance in filing a complaint.

Victims could not bring their claim to court, as they would not have standing due to the statute of limitations. As a result, no case law on sexual abuse by the Catholic Church can be found in Dutch case law databases. The complaint and compensation procedures that were designed were therefore the only option for victims to seek justice by means of an official and formal procedure. Also, ordinary tort law could not influence or interfere with the complaint procedure and the compensation scheme. The reason for implementing the procedures was to offer victims of sexual abuse by the Catholic Church a means to seek justice. Due to reasons of transparency, the Church was urged to use the complaint procedure rather than settling disputes outside of the scope of the procedure.

The official start date of the procedure was November 1, 2011.²⁷ The procedures replaced a previous procedure that was more limited in scope. The complaint procedure was free of cost to victims. They were not required to pay a fee for filing a complaint, they were reimbursed for reasonable costs of legal representation, regardless of whether the complaint was granted or not, and attorney fees paid by the Church or the accused were not shifted to the victim if the complaint was rejected. Similar rules applied to the compensation scheme.

The procedure consisted of a two-stage process. In the first stage, complainants filed a complaint. They could (but were not required to) move on to claim monetary compensation in the second stage if the complaint was granted at the first stage.²⁸ According to the Platform, both the complaint and compensation procedure were intended to be victim oriented, with “victim oriented” being understood as addressing victims’ needs (monetary and/or nonmonetary): the interests and views of the victims were decisive, the statute of limitations was not an obstacle for filing a complaint or for compensation requests, and civil procedure law nor criminal procedure law would apply in regard to rules of evidence.²⁹ Claims were supposed to be assessed based on whether they were “admissible” and “acceptable.”³⁰

The first-stage procedure commenced with a complaint (Articles 2 and 3 of the Procedural Rules). It was first assessed whether the case had standing and whether a settlement could be reached (Article 6). A necessary condition for the complaint to be granted was that the wrong consisted of sexual abuse, with sexual abuse being defined as any conduct where someone who is in a dependent relationship is forced by another to perform, undergo, or tolerate sexual acts, sexual advances, or sexual expressions by

²⁷Article 26.1 of the Procedural Rules (Procedureregeling). The Compensation Procedure was enacted on March 1, 2012. See <https://www.meldpuntmisbruikrkk.nl/S/Schade/Documents/Compensatieregeling%20R%20K%20%20Kerk%20minderjarigen%201%20juli%202014.pdf> (last accessed Apr. 20, 2017).

²⁸Since this study focuses on the complaint procedure, the compensation scheme will not be elaborated upon.

²⁹See <https://www.meldpuntmisbruikrkk.nl/S/Klacht/Paginas/Werkwijze.aspx> (last accessed Apr. 20, 2017).

³⁰See <https://www.meldpuntmisbruikrkk.nl/S/Klacht/Paginas/Werkwijze.aspx> (last accessed Apr. 20, 2017).

another person, as well as producing sexually explicit images and using or distributing them in (Article 1.3).³¹ Furthermore, the accused and/or the ecclesiastical authorities (hereafter, the Church) could be held responsible only if the alleged wrongdoer fell under the responsibility of the Church (Article 1.2). If the accused was or were deceased, the Church would be the defendant. Both the accused and the Church would be the defendant in the procedure in instances where the accused was or were alive at the start of the procedure. The complainant was allowed legal support before and during the procedure (Article 2.3).

Claimants were provided a model complaint to use in filing a complaint.³² The model included open-ended questions on what happened, the impact of the abuse on the victim, and the objectives for filing a complaint. After a possible counterplea by the accused and/or the Church (Article 11) and, possibly, an investigation (Article 12), the next step in the procedure was to have a hearing where both the complainant and the Church or the accused could be present. The outcome of the complaint procedure was a recommendation to the Church. The Church's decision could deviate from the recommendation, but not before consulting the chairman of the complaint committee (Article 21.2). The recommendations were published on a website, unless the victim disapproved publication. The Church's decisions (to follow the recommendations) were published when announced (Article 21.5), but the decisions could not be retrieved. However, there are no indications that the Church laid aside the recommendations. Below, the recommendations will be referred to as either recommendations or decisions.

The rules permitted the adjudicators to recommend the Church to take measures against the accused to prevent future abuse, to prosecute the accused according to canon law, to warn the accused, and to provide support for those involved in the sexual abuse, including the victim, the victim's relatives, the Catholic community, and colleagues of the accused (Article 19.1). In practice, the adjudicators also advised other measures, including ordering an apology, recognition of suffering, and affirmation of the wrong. A complainant could request a revision of the decision only in instances where new facts or circumstances arose (Article 22.1).

The Catholic Church initiated a final action to provide satisfaction and compensation for victims whose complaints were not granted.³³ As this final action was announced after the deadline for submitting a complaint and toward when the complaint procedure would come to an end, it is unlikely that this action would impact the decisions made by the adjudicator. Additionally, victims who made themselves known

³¹Original text (full): "iedere gedraging waarbij iemand onder dwang of in een afhankelijkheidsrelatie seksuele handelingen moet verrichten ofwel ondergaan ofwel daarvan toeschouwer moet zijn, dan wel seksueel getinte toenaderingen of uitlatingen in welke vorm dan ook moet dulden" and "het maken van seksueel getint beeldmateriaal van iemand en het gebruiken en doorgeven daarvan."

³²See <https://www.meldpuntmisbruikrkk.nl/S/Klacht/Documents/Model%20Klaagschrift.pdf> (last accessed Apr. 20, 2017).

³³Press release, Nov. 30, 2015. Formerly available at <https://www.meldpuntmisbruikrkk.nl/S/Paginas/default.aspx> (page no longer available; last accessed Feb. 26, 2016).

after the deadline remained eligible for help and support provided by the organization (Platform Hulpverlening).

The Platform was funded by the Catholic Church, but was otherwise independent.³⁴ The adjudicators on the complaint committee were experts working in various fields, including law, psychology, psychiatry, and child protection, with the chairmen being judges who are or were appointed to a court in the Netherlands.³⁵ A total of 27 adjudicators were involved in deciding the cases, with cases generally being decided by three panel members.

The complaint procedure differs from an ordinary tort law procedure in several ways: for example, in Dutch tort cases on sexual abuse, victims (plaintiffs) are generally not asked about what they aim to achieve with the procedure.³⁶ Additionally, courts do not recommend or order nonmonetary relief in addition to awarding the claim and ordering the wrongdoer to pay damages.³⁷ Finally, the evidentiary burden in the complaint procedure was lower than in ordinary tort law,³⁸ as it was sufficient for victims in the complaint procedure to provide supporting evidence for the abuse in addition to their own story.

III. HYPOTHESES

The complaint decisions are examined to improve the understanding of when or under which circumstances plaintiffs are able to obtain nonmonetary relief. The data offer a unique opportunity to analyze nonmonetary relief, as the adjudicators not only determined whether the claim should be granted, but also frequently ordered (recommended) the Church or the accused to provide certain types of nonmonetary relief (e.g., an apology, acknowledgment of the abuse, recognition of suffering) to the complainant. Additionally, the Church or the accused could (and often did) offer or provide nonmonetary relief prior to the decision.

³⁴See <https://www.meldpuntmisbruikrkk.nl/S/Melding/Paginas/Veelgestelde%20vragen.aspx> (last accessed Apr. 20, 2017).

³⁵See <https://www.meldpuntmisbruikrkk.nl/S/Klacht/Paginas/Werkwijze.aspx>.

³⁶It does happen that victims voluntarily share their aims; see, for example, Court of Appeal's-Hertogenbosch 13 May 2014, ECLI:NL:GHSHE:2014:1335 (plaintiff seeking recognition in addition to damages).

³⁷E.g., Court of Appeal's-Hertogenbosch 13 May 2014, ECLI:NL:GHSHE:2014:1335 (court awarding damages); Court District Dordrecht 30 November 2011, ECLI:NL:RBDOR:2011:BU6655 (awarding 10,000 euro for nonpecuniary losses); Court of Appeal Arnhem 30 October 2007, ECLI:NL:GHARN:2007:BB8049 (awarding 12,500 euro for nonpecuniary losses). Requests for nonmonetary relief are generally refused; see, for example, cases where an apology was sought (but not ordered), Court District Leeuwarden 18 August 2010, ECLI:NL:R-BLEE:2010:BN6111; Court District Leeuwarden 27 April 2011, ECLI:NL:R-BLEE:2011:BQ3207.

³⁸E.g., Court of Appeal's-Hertogenbosch 13 May 2014, ECLI:NL:GHSHE:2014:1335 (court of first instance consulting multiple experts to determine the abuse and its impact); Court of Appeal Arnhem 30 October 2007, ECLI:NL:GHARN:2007:BB8049 (court hearing multiple witnesses in order to establish sexual abuse); District Court Arnhem 16 May 2007, ECLI:NL:RBARN:2007:BA6358 (court appointing expert to determine the harm); Court of Appeal Arnhem 13 April 1999, ECLI:NL:GHARN:1999:BP7686 (not providing extensive evidence about the severity of the abuse impacts the amount of damages that are awarded).

The cases that were analyzed provided information on the goals the victims pursued, as the complaint form that plaintiffs were required to fill out included a question on what objectives the complainant pursued. Consequently, it is possible to test whether what complainants sought was associated with what they obtained. Intuitively, particularly in a procedure that was intended to be victim oriented, an association would be expected between what victims seek and what type of nonmonetary relief adjudicators order (recommend).

H₁ (Objectives Hypothesis 1): Expressing certain objectives at the start of the procedure increases the probability of adjudicators recommending nonmonetary relief in instances when the complaint is granted.

It can also be expected that victims indicating what objectives they are pursuing makes it more likely that the Church or the accused will offer or provide the nonmonetary relief sought by the victim prior to the decision of granting or not granting the complaint.

H₂ (Objectives Hypothesis 2): Expressing certain objectives at the start of the procedure increases the probability of the Church or the accused offering or providing nonmonetary relief prior to the decision.

It is possible that the nonmonetary relief that victims seek predicts the relief they ultimately obtained, either provided by the adjudicators or by the Church or the accused prior to the decision. Additionally, or perhaps alternatively, the nonmonetary relief that victims ultimately obtained may be explained by other variables than merely victims expressing their needs at the start of the procedure. This begs the question what variables explain the plaintiffs receiving nonmonetary relief in the victim-oriented procedure other than the fact that they explicitly stated their desire for it. The analysis is therefore extended to other predictors.

One predictor that was tested is the type of sexual abuse. Both the adjudicators and the Church or the accused may have been more inclined to provide or offer more to complainants in instances where the abuse is more severe compared to instances where the abuse is less severe (e.g., rape/penetration vs. sexual abuse without physical contact). Consequently, it may be that the nonmonetary relief that was provided to victims depends on the type of sexual abuse that took place.

H₃ (Severity Hypothesis): The severity of the sexual abuse increases the likelihood of victims obtaining nonmonetary relief.

Similarly, the frequency of the abuse may impact the willingness of the adjudicators, the accused, and/or the Church to provide or offer nonmonetary relief.

H₄ (Frequency Hypothesis): The frequency of the sexual abuse increases the likelihood of victims obtaining nonmonetary relief.

A defendant will not be inclined to provide relief (any) to the victim if he does not believe the claim to be valid. Consequently, the accused and Church are expected to

provide nonmonetary relief less frequently in instances where the defendant disputed the complaint compared to when the complaint was not disputed.

H₅ (Dispute Hypothesis—Church/Accused): *Disputing the complaint reduces the probability of the Church/accused offering nonmonetary relief.*

Whether the claim was disputed can be seen as a proxy for case strength. Case strength can also be measured by means of the amount of evidence that was available. Similarly to the dispute hypothesis, it can be expected that nonmonetary relief is offered more frequently in cases where more evidence is available compared to when the available evidence is limited.

H₆ (Evidence Hypothesis): *More evidence against the accused increases the probability of victims obtaining nonmonetary relief compared to when the evidence is limited.*

Previous research on court-ordered apologies shows that adjudicators are hesitant to order nonmonetary relief, for example, because it is believed that court-ordered relief is not sincere or otherwise inappropriate.³⁹ As a result, it becomes less likely that adjudicators will consider recommending nonmonetary relief to be less meaningful in instances where the complaint is disputed compared to when it is not disputed.

H_{7a} (Dispute Hypothesis—Adjudicators): *Disputing the complaint reduces the probability of the adjudicators recommending nonmonetary relief.*

However, how adjudicators react to the fact that the claim is disputed might vary by how clear the evidence is against the accused.

H_{7b} (Dispute—Evidence Interaction): *The effect of disputing the complaint on the probability of the adjudicators recommending nonmonetary relief depends on the available evidence.*

The dataset included cases where the alleged offender was deceased at the start of the procedure as well as cases where the accused was alive. The abuse took place in the 1950s and 1960s, meaning that the offenders were elderly or deceased at the time of the start of the procedure. Both the adjudicators and the Church might have been more willing to offer or provide nonmonetary relief in instances where the accused is deceased than when the accused is alive at the start of the procedure. The absence of the accused, who might be personally affected by the procedure, decision, and the provided relief, could make it easier for the adjudicators and the Church to offer or provide nonmonetary relief, which subsequently increases the probability of victims obtaining nonmonetary relief.

H₈ (Deceased Hypothesis): *Victims are more likely to obtain nonmonetary relief when the accused is deceased than when the deceased is alive at the start of the procedure.*

³⁹For example, Robyn Carroll, Apologies as a Legal Remedy, 35 Sydney L. Rev. 317 (2013); Robyn Carroll, You Can't Order Sorriiness, So Is There Any Value in an Ordered Apology? An Analysis of Apology Orders in Anti-Discrimination Cases, 33 USNW L.J. 360 (2010).

Alternatively, adjudicators may feel that certain forms of nonmonetary relief are less meaningful when the accused is deceased at the start of the procedure. For example, an apology may no longer be deemed possible or meaningful if it cannot be provided or offered by the offender.

Finally, the composition of the panel can impact the likelihood of adjudicators recommending nonmonetary relief. The data allowed calculating the percentage of adjudicators on the panel who received legal training and those who did not. Considering the dominance of monetary compensation in ordinary tort law and in the law of damages, and considering the hesitation within the legal community to provide nonmonetary relief, it is expected that panels that are predominantly legal are less likely to provide nonmonetary relief compared to panels where the majority of the adjudicators have a nonlegal degree.

H₉ (Legal Panel Hypothesis): An increasing number of adjudicators with a legal background reduce the likelihood of victims obtaining nonmonetary relief.

Females are claimed to be more empathetic and sensitive to emotional information than men.⁴⁰ Consequently, female adjudicators may have been more inclined to recommend nonmonetary relief than male adjudicators.

H₁₀ (Gender Hypothesis): More female adjudicators on the panel increase the probability of victims obtaining nonmonetary relief.

Finally, it is expected that it becomes less likely that adjudicators would recommend nonmonetary relief when the Church or the accused offered or provided nonmonetary relief prior to the decision. In such instances, the adjudicators may have assumed that the needs that victims had are already met.

H₁₁ (Prior Relief Hypothesis): The Church or the accused offering or providing nonmonetary relief prior to the decision decreases the probability of adjudicators recommending nonmonetary relief to a victim.

This study will test these hypotheses.

IV. METHOD

A. Sample

This study analyzes cases brought under the complaint procedure that was officially enacted on November 1, 2011 (Article 26.1 of the Procedural Rules (Procedureregeling)). Not all victims of sexual abuse by the Catholic Church filed a complaint and the total number of victims is unknown. Additionally, it was estimated that approximately a

⁴⁰Loren Toussaint & Jon R. Webb, Gender Differences in the Relationship Between Empathy and Forgiveness, 145(6) J. Soc. Psychol. (2005) (providing references and finding that women had higher empathy scores than did males). See also María Vicenta Mestre et al., Are Women More Empathetic Than Men? A Longitudinal Study in Adolescence, 12(1) Spanish J. Psychol. (2009) (finding greater empathic responses in females than in males, with differences growing with age).

third of the victims settled their claim outside of the complaint procedure and compensation scheme, for example, through mediation.⁴¹

Victims were allowed to file a complaint up to, but not later than, May 1, 2015. All cases that were decided (and published) under the new regime were included in the analysis. The sample also includes eight cases that were decided in September 2011 but already under the new regime.

All cases that were published by March 2017 were coded. The last complaint decision in nonsuspended cases was made on November 21, 2016.⁴² The dataset also includes a suspended case that was decided on March 22, 2017. The decisions were retrieved from www.meldpuntmisbruikrkk.nl. The combination of all decisions being published and a sufficient number of available coders allowed studying all available decisions rather than a sample of the decisions. The analysis included 1,237 decisions.

The Platform that published the decisions reported receiving 3,678 reports of incidents.⁴³ Of the 2,060 complaints that were filed, various were withdrawn ($n = 246$), held inadmissible, settled ($n = 303$), put on hold pending mediation, or not processed because the victim died after filing the complaint.⁴⁴ As a result, “over 1,400 complaints” led to an outcome, 311 cases resulting in a rejection of the complaint.⁴⁵

The difference between the 1,237 decisions that were analyzed (i.e., found on the Platform’s website) and the over 1,400 decisions reported by the Platform has several possible explanations. First, complainants could deny permission to have the decisions published on the website. Due to reasons of confidentiality and privacy, it cannot be determined which cases are not reported on the website. Second, the total number provided by the Platform may also include decisions that overturned previous decisions ($n = 78$).⁴⁶ Third, it is not clear whether the numbers reported by the Platform include decisions made under the old regime, that is, prior to November 1, 2011 ($n = 137$). Adding these numbers to the 1,237 decisions used in this study results in an approximation of the “over 1,400” number reported in the press release. Moreover, the numbers

⁴¹See NRC.nl, 19 March 2016, available at <http://www.nrc.nl/nieuws/2016/03/19/veel-misbruikzaken-in-geheim-afgehandeld-1600293-a286455> (last accessed Apr. 20, 2017) (reporting a number of 342 cases of the 1,045 cases that were settled, 210 of which as a result of mediation).

⁴²Press release, Oct. 25, 2016. Available at <https://www.meldpuntmisbruikrkk.nl/S/Paginas/default.aspx> (last accessed Apr. 20, 2017).

⁴³Press release, Oct. 25, 2016. Available at <https://www.meldpuntmisbruikrkk.nl/S/Paginas/default.aspx> (last accessed Apr. 20, 2017). A number of 1,618 victims did not file a complaint, despite an invitation to do so.

⁴⁴Press release, Oct. 25, 2016. Available at <https://www.meldpuntmisbruikrkk.nl/S/Paginas/default.aspx> (last accessed Apr. 20, 2017).

⁴⁵Press release, Oct. 25, 2016. Available at <https://www.meldpuntmisbruikrkk.nl/S/Paginas/default.aspx> (last accessed Apr. 20, 2017).

⁴⁶The number applies to the decisions made in 2016. In 2017, two additional decisions were overturned, one of which resulted in a new decision. The other decision could not be found on the website.

reported on the website may simply not be accurate, as 363 cases where the complaint was rejected were found in the dataset, as opposed to 311 cases reported on the website.

B. Variables

1. Dependent Variables

The dependent variables that were used include any type of nonmonetary relief provided prior to the decision (*Relief_prior_any*) and any nonmonetary relief recommended by the adjudicators (*Relief_decision_any*). Both variables are nominal variables that consist of two categories (yes/no). The *Relief_afterstart* (nominal, two categories) variable captured whether any relief was recommended by the adjudicators, offered by the Church or the accused since the start of the procedure (but not before the start), or both.

Particular types of nonmonetary relief that were offered or recommended (e.g., an apology, acknowledgment of the abuse) were also used as dependent variables. With respect to the specific types of nonmonetary relief, the analyses focus on the three most prominent categories in the data:

- Recognition of the victim's suffering by the Church or the accused prior to the decision (*Recognition_suffering_prior*) (nominal, yes/no) or recommended by the adjudicators (*Recognition_suffering_decision*) (nominal, yes/no).
- An acknowledgment of the sexual abuse by the Church or the accused prior to the decision (*Acknowledgment_abuse_prior*) (nominal, yes/no) or recommended by the adjudicators (*Acknowledgment_abuse_decision*) (nominal, yes/no).
- An apology offered by the Church or the accused prior to the decision (*Apology_prior*) (nominal, two categories) or recommended by the adjudicators (*Apology_decision*) (nominal, yes/no).

For the dependent variables that measured nonmonetary relief prior to the decision, instances where relief was provided prior to the start of the procedure were excluded if no relief was offered between the start of the procedure and the decision. Relief that was offered conditional on whether the complaint would be granted was treated as follows: the relief was considered provided when the complaint was granted, and it was considered not provided when the complaint was not granted.

The coding of the various types of nonmonetary relief that was offered and recommended was straightforward. The decisions simply stated whether the Church or the accused had offered relief (e.g., “[the Church] ... by having recognized the suffering and by having offered sincere apologies ...”) and whether the adjudicators recommended certain relief (e.g., “[recommends the Church] to formally recognize the suffering that the victim had to experience”).

2. Independent Variables

Several objectives that the victims expressed at the start of the procedure for filing a complaint (*Objectives*) were used as an independent variable when analyzing whether the

objectives that the victims pursued matched the types of nonmonetary relief they obtained. The objectives were coded directly from the text, which simply stated that a victim pursued recognition, an apology, satisfaction, and the like. Since no additional description or explanation was provided, it was sometimes difficult to give meaning to certain objectives (e.g., “satisfaction”), which is why the objectives were coded according to how they were worded in the decisions.

The objectives include the need for recognition/validation/affirmation (*Recognition*), financial compensation (*Compensation*), an apology by the Church or the accused (*Apology*), closure/rehabilitation (*Closure*), the need for having a voice, being heard, or being understood (*Voice*), prevention (*Prevention*), satisfaction (*Satisfaction*), measures against the accused or those responsible (*Measures*), support for other complaints (*Support*), retribution/punishment/revenge (*Retribution*), a meeting with the accused (*Meeting*), help for the victim (*Help_victim*), and help for the accused (*Help_accused*). All *Objectives* variables are nominal variables that consist of two categories (expressed/not expressed). Since victims could indicate multiple objectives, a series of binary variables was created.

A number of variables were used to test the hypotheses and to predict the odds of the adjudicators recommending nonmonetary relief and the Church or the accused offering or providing nonmonetary relief:

- A variable that measured the number of defenses raised by the Church or the accused (*Defenses_number*) (continuous). The number of defenses was derived from the text of the decisions. The variable encompassed the categorical variable that measured whether the complaint was disputed (*Dispute*) (nominal, yes/no). The *Defenses_number* variable and the *Dispute* variable were therefore not used simultaneously. In most of the analyses, the *Defenses_number* was preferred, since it contains more information than the *Dispute* variable.
- A variable that measured whether the accused was deceased at the start of the procedure (*Accused_deceased*) (nominal, yes/no).
- The type of sexual abuse that took place according to the complainant (*Abusetype_complainant*) (nominal). This theoretical variable consisted of four binary variables, each representing a different type of sexual abuse, that is, rape/penetration, sexual abuse without physical contact, sexual abuse where the accused performed sexual acts on the victim, and sexual abuse where the accused forced or ordered the victim to perform sexual acts on the accused. The first two binary variables served as independent variables, as they represent the most severe and least severe types of sexual abuse. The latter two were used as control variables.
- Frequency of the abuse (*Abuse_frequency*), which measured whether the abuse took place once or repeatedly (nominal, one occurrence/multiple occurrences). It could be derived from the text whether the abuse took place once or on multiple occasions.
- The nonmonetary relief offered or received prior to the decision (*Relief_prior_any*). As explained, this variable was also used as a dependent variable, depending on the hypothesis that was tested. In analyses where the variable served as an independent variable, it was treated as a nominal variable with

three categories. The category in which the Church or the accused had not offered nonmonetary relief (reference category) was compared to the categories: relief offered prior to the start of the procedure and relief offered after the start and unconditionally. Relief conditional on the outcome of the case was treated as if nonmonetary relief was offered in instances where the complaint was granted, and as relief not offered in cases where the complaint was not granted.

- A variable that measured the amount of evidence that the committee considered appropriate (*Evidence*) (continuous). The evidence was coded in terms of variety of evidence. Common categories of evidence were statements by the victim (e.g., the credibility of the story), statements or behavior by the Church or the accused, evidence from persons not involved in the abuse (e.g., psychiatrist reports, newspaper articles), previous convictions (criminal), or complaints filed by others (supporting evidence). At least one other type of evidence in addition to the statement of the victims was required in order for a complaint to be granted. The score on the *Evidence* variable increased with each new type of evidence accepted by the adjudicators.
- The proportion of adjudicators with a legal background (*Panel_%legal*) (ordinal).
- The proportion of female adjudicators on the panel (*Panel_%female*) (ordinal).

3. Control Variables

Additionally, a number of control variables are used in the analyses. The control variables include:

- The number of accused that were responsible for the sexual abuse in relation to the complaint (*Accused_number*) (continuous).
- Whether the victim had received legal support during the procedure (*Legal_support*) (nominal, yes/no).
- The duration of the procedure in days (*Duration_days*) (continuous).
- The number of objectives as reported by the victim when filing a complaint (*Objectives_number*) (continuous).
- Whether the victim was a female (*Victim_female*) (nominal, yes/no) and whether the accused was a female (*Accused_female*) (nominal, yes/no).
- The year in which the decision was made (*Year (decision)*) (nominal). This variable was used to control for year fixed effects.
- The year in which the complainant was filed (*Year (complainant)*) (nominal). This variable was used to control for year fixed effects.

Some of these variables (independent and control) were also used in research that tested the effect of apologizing on average claim payout in medical malpractice cases.⁴⁷

⁴⁷Benjamin Ho & Elaine Liu, What's an Apology Worth? Decomposing the Effect of Apologies on Medical Malpractice Payments Using State Apology Laws, 8 J. Empirical Legal Stud. (2012) (including the severity of the injury and the gender of the patient).

The damages requested by the victims or awarded by the compensation committee could be an indicator of the case's strength in addition to some of the above-mentioned variables. The idea behind including a damages variable is that controlling for the amount of damages could rule out that nonmonetary relief was all the victims could receive in cases they received nonmonetary relief. However, adding such a variable is problematic, since financial compensation as well as the request for financial compensation followed the complaint procedure. It would introduce methodological concerns, as the desire for nonmonetary relief and whether victims obtained the relief they were seeking may have impacted the decision to claim damages as well as the amount of damages. This introduces concerns as to whether the damages that are requested and awarded are a cause or an effect of victims' needs for nonmonetary relief and of the adjudicator's decision at the complaint stage. Consequently, the damages variable is not included in the analyses.

Finally, most of the analyses control for the presence of particular adjudicators. It will later in this article become clear that the presence of some adjudicators impacted the probability of the adjudicators recommending nonmonetary relief. Since a statistically significant effect was found for five of the 27 adjudicators who decided at least one case, several of the analyses presented below controlled for the presence of the five adjudicators (i.e., Adjudicator1, Adjudicator2, Adjudicator4, Adjudicator5, Adjudicator6) by means of five binary variables (panel member/not a panel member). Considering the lack of effects for other adjudicators, the analyses did not control for the presence of these other adjudicators.

C. Coding

The decisions were accessed on the Platform's website.⁴⁸ An electronic questionnaire was developed to analyze the decisions based on a number of predetermined variables that were extensively pretested. The questionnaire included an instruction (codebook) on how to interpret the questions, items, and/or categories. The decisions were analyzed by 17 coders, with each decision being analyzed by a single coder.⁴⁹ The coders consisted of third-year undergraduate (bachelor) law students who were selected after their first year to participate in an honor's program based on their achievements in the first year and motivation for the honor program. Coders were randomly assigned to the decisions. Furthermore, they were instructed to consult the principal investigator in case questions or difficulties arose when filling out the questionnaires, which resulted in correspondence with several coders on multiple occasions. The data were inspected and recoded where necessary.

⁴⁸See <https://www.meldpuntmisbruikrkk.nl/S/Klacht/Paginas/Adviezen.aspx> and <https://www.meldpuntmisbruikrkk.nl/S/Schade/Paginas/default.aspx> (last accessed Apr. 20, 2017).

⁴⁹Except for the 40 decisions (20 complaints and 20 damages decisions) that were randomly selected for testing the intercoder reliability (see below).

D. Intercode Reliability

A total of 20 randomly selected complaints were independently analyzed by two coders. The nominal categories for which 10 or more observations were collected had between 80 percent and 100 percent agreement levels, with an average agreement level of 97 percent. Corresponding kappa values (Cohen's kappa) varied between 0.46 and 1.00, which can be considered moderate (0.41–0.60) to (almost) perfect (0.81–1.00) agreement levels.⁵⁰ Correlations for variables measured on the ratio scale varied between 0.97 and 1.00. Only one item (kappa = −0.05, $p < 0.82$) raised some concerns. Since the level of agreement for this category was 90 percent, the item was included in the final questionnaire, but it was ultimately not used in the analyses.

The coders were trained prior to the calculation of the intercode reliability by having them apply the questionnaire to a number of training decisions, by discussing and resolving differences in discussions with fellow coders and the researcher, and by altering items, categories, and/or explanations in the codebook that produced differences in answers among the coders. Several sessions were organized to improve the development of the questionnaire and how to apply the questionnaire. By the last session, it was concluded by the researcher and the coders that additional alterations to the questionnaire would no longer improve the interpretation and application of the questionnaire.

E. Statistical Analysis

Descriptive statistics were used to explore the data. Because the vast majority of the dependent variables were measured on a nominal scale—a binary scale in particular—this study relies on cross-tabulation and logistic regression analysis. Since the dataset includes all cases of the operational population, effect sizes are of primary importance. Nevertheless, levels of statistical significance are reported throughout.

V. RESULTS

A. Descriptive Results

A descriptive analysis reveals that the vast majority of victims pursue recognition, validation, and affirmation by filing a complaint, followed by the desire for financial compensation, an apology by the Church or the accused, closure or rehabilitation, to have a voice, be heard, or understood, to prevent future wrongdoing, satisfaction, and truth finding (Table 1).

Since the objectives are self-reported by the victims, no further explanations are available for why victims had certain needs.

A total of 70.7 percent ($n = 874$) of the complaints were granted, against 29.3 percent ($n = 363$) that were not granted. If a complaint was granted, the adjudicators took

⁵⁰Jacob Cohen, A Coefficient of Agreement for Nominal Scales, 20(1) Educ. & Psychol. Measurement (1960). The “other” categories were excluded from the analysis.

Table 1: Objectives (Self-Reported), Percentages, and Frequencies

<i>Objective (as Stated by Victim)</i>	<i>Percentage</i>
Recognition/validation/affirmation	72.1 (<i>n</i> = 892)
Compensation	50.6 (<i>n</i> = 626)
Apology	28.2 (<i>n</i> = 349)
Closure/rehabilitation	25.5 (<i>n</i> = 316)
Voice	17.5 (<i>n</i> = 217)
Truth finding	13.0 (<i>n</i> = 161)
Prevention	12.7 (<i>n</i> = 157)
Satisfaction	8.7 (<i>n</i> = 108)
Measures against the accused/those responsible	7.4 (<i>n</i> = 92)
Support for other complaints	5.2 (<i>n</i> = 64)
Retribution/punishment/revenge	3.4 (<i>n</i> = 42)
Meeting with accused	1.9 (<i>n</i> = 23)
Help for victim	0.6 (<i>n</i> = 8)
Help for accused	0.1 (<i>n</i> = 1)
Other	7.0 (<i>n</i> = 86)
Unknown	4.0 (<i>n</i> = 49)
<i>N</i>	1,237

NOTES: Frequencies in parentheses. Victims could report multiple objectives per case.

the opportunity to recommend relief in addition to granting the complaint in several cases. Examples of such recommendations are to have the Church or the accused offer an apology, acknowledge the abuse, or recognize the victim's suffering. Descriptive results demonstrate that the adjudicators recommended the Church or the accused to offer or provide some type of nonmonetary relief to the victim in 32.6 percent (*n* = 285) of the 874 cases where the complaint was granted. An apology (16.4 percent), exploring possibilities to reduce the suffering (15.0 percent), and an acknowledgment of the abuse (10.9 percent) were the types of nonmonetary relief most frequently recommended by the adjudicators (Table 2, Column (1)).

The Church or the accused frequently offered victims some type of nonmonetary relief between the start of the procedure and the decision (recommendation) made by the adjudicators. This occurred in 50.6 percent of the cases (*n* = 1,237). In some cases, the Church or the accused indicated that it would be willing to offer or provide nonmonetary relief conditional on whether the complaint was granted. For example, the Church or the accused would, in some instances, be willing to offer an apology only if the committee would grant the complaint. The adjudicators were aware of the Church or the accused offering nonmonetary relief prior to the decision—the adjudicators referred to this in their decisions. The same applies to relief offered by the Church or the accused conditional on the complaint being granted.

Focusing on nonmonetary relief provided unconditionally prior to the decision (but after the complaint was filed) by the Church and/or the accused, an apology (35.9 percent), recognition of the victim's suffering (19.2 percent), a meeting with the accused/Church and the complainant (10.9 percent), and an acknowledgment of the abuse (9.6 percent) were the types of nonmonetary relief most frequently offered to the

Table 2: Nonmonetary Relief Offered Prior to Decision or Recommended by Adjudicators: Percentages and Frequencies

<i>Relief Type</i>	(1) <i>Relief Recommended by Adjudicators</i>		(2) <i>Relief Before Decision But After Complaint Filed (Unconditionally)</i>		(3) <i>Relief Before Decision But After Complaint Filed (Conditional on Whether Complaint Was Granted)</i>		(4) <i>Relief Before Complaint Was Filed</i>		(5) <i>Relief After Filing Complaint (Including Recommendations by Adjudicators)</i>	
Apology	16.4% (<i>n</i> = 143)		35.9% (<i>n</i> = 444)		10.7% (<i>n</i> = 132)		1.0% (<i>n</i> = 12)		51.7% (<i>n</i> = 639)	
Recognition of suffering	5.5% (<i>n</i> = 48)		19.2% (<i>n</i> = 238)		3.6% (<i>n</i> = 45)		0.2% (<i>n</i> = 3)		24.1% (<i>n</i> = 298)	
Acknowledgment of the abuse	10.9% (<i>n</i> = 95)		9.6% (<i>n</i> = 119)		4.0% (<i>n</i> = 49)		0.4% (<i>n</i> = 5)		19.2% (<i>n</i> = 237)	
Conversation with the victim	0.9% (<i>n</i> = 8)		10.9% (<i>n</i> = 135)		1.3% (<i>n</i> = 16)		1.2% (<i>n</i> = 15)		12.7% (<i>n</i> = 157)	
Measures to reduce suffering	15.0% (<i>n</i> = 131)		2.2% (<i>n</i> = 27)		0.8% (<i>n</i> = 10)		0.1% (<i>n</i> = 1)		12.7% (<i>n</i> = 157)	
<i>N</i>	874		1,237		1,237		1,237		Varies	

Notes: Frequencies in parentheses. Missing values were excluded from the analysis. The number of observations is not provided for Column (5), since the number depends on the relief that was offered).

Table 3: Effect of Nonmonetary Relief Offered by Defendant Prior to Decision (But Not Before Complaint Was Made) on Nonmonetary Relief Recommended by Adjudicators, Descriptive Results

		<i>Relief by Accused/Church</i>	
		<i>No</i>	<i>Yes</i>
Effect on relief by adjudicators	No	36.1% (<i>n</i> = 207)	63.9% (<i>n</i> = 366)
	Yes	26.9% (<i>n</i> = 75)	73.1% (<i>n</i> = 204)
<i>N</i>	874		

NOTE: Frequencies in parentheses.

victim (Table 2, Column (2)). Offering or providing nonmonetary relief conditional on that the complaint would be granted was less common. Only in case of an apology was the Church or the accused sometimes inclined to only provide such a conditional apology (10.7 percent) (Table 2, Column (3)). Based on the information in the decisions, it did not frequently occur that the Church or the accused offered nonmonetary relief prior to the filing of the complaint (Table 2, Column (4)).

With respect to the types of nonmonetary relief that victims obtained regardless of whether nonmonetary relief was offered or provided between the filing of the complaint and the decision (including the decision), the data reveal that complainants received some type of nonmonetary relief in 57.2 percent (*n* = 707) of the cases (*n* = 1,237). They were most likely to receive an apology (51.7 percent) at some point in the procedure, followed by recognition of suffering (24.1 percent), an acknowledgment of the abuse (19.2 percent), exploring possibilities to reduce the suffering (12.7 percent), and a meeting with the Church or the accused (12.7 percent) (Table 2, Column (5)).

The complainants were particularly more likely to be offered (unconditionally) an apology (35.9 percent vs. 16.4 percent), recognition for their suffering (19.2 percent vs. 5.5 percent), and a meeting with the Church or the accused (10.9 percent vs. 0.9 percent) prior to the decision than as a result of the recommendations made by the adjudicators. Only the offer to seek possibilities to reduce the suffering by the victim (2.2 percent vs. 15.0 percent) was more likely to be proposed by the adjudicators in their decisions than by the Church or the accused prior to the decision. Additional analyses did not suggest that the probability of the adjudicators ordering nonmonetary relief was dependent on whether the Church or the accused already offered or provided nonmonetary relief prior to the decision.

A cross-tabulation suggests some dependency of the nonmonetary relief that the accused/Church offered or provided prior to the decision and the relief recommended by the adjudicators (Table 3).

The results reveal several interesting patterns. First, nonmonetary relief was offered prior to the decision in a substantial number of cases in which the adjudicators granted the complaint but did not recommend nonmonetary relief (*n* = 366). The opposite is also found: adjudicators awarded some type of nonmonetary relief in several cases (*n* = 75) where the accused/Church did not offer or provide nonmonetary relief. Additionally, the adjudicators frequently recommended nonmonetary relief even though

the accused/Church had already done so ($n = 204$). This is particularly interesting, as the adjudicators knew at the time of their decision whether the accused/Church had already provided or offered nonmonetary relief.

As explained in the Methods section, data for a number of variables were available and used in the analyses. Table 4 reports the descriptive data of these variables.

B. Relation to Victims' Objectives—Nonmonetary Relief

One of the main questions that remains is whether the complainants received what they wished for in the end. The analyses first tested whether the objectives victims pursued (*Objectives*) impacted the relief that was offered by the Church or the accused or recommended by the adjudicators since the start of the procedure. For this purpose, the seven most "popular" objectives were tested in a logistic regression analysis, which examined the effect on the dependent variables. The seven objectives concerned the objectives that were reported in 10 percent or more of the cases. The analyses controlled for influences of most of the variables listed in the Methods section, as the nonmonetary relief that was recommended by the adjudicators presumably did not only depend on what victims pursued, but also on the strength of the case, the composition of the panel, the type of sexual abuse, and other variables.

The results demonstrate that most effects of the objectives on whether they would receive some sort of nonmonetary relief are neither positive nor substantial nor statistically significant (Appendix, Tables A1 and A2). Only expressing the need for an apology seemed to have been positively associated with whether any nonmonetary relief was offered (Appendix, Tables A1 and A2). In contrast, expressing a need for nonmonetary relief *decreased* the probability of *adjudicators* recommending the Church or the accused to provide nonmonetary relief (not statistically significant except for Compensation, controlling for other variables) (Table 5). This suggests that expressing the need for nonmonetary relief reduced the likelihood of obtaining nonmonetary relief. Particularly expressing the need for monetary compensation is associated with a lower probability of the adjudicators recommending nonmonetary relief (statistically significant, controlling for other variables).

Another way of analyzing whether the nonmonetary relief victims obtained matched the objectives they indicated at the start of the procedure is to examine the relationships between specific types of objectives and specific types of nonmonetary relief: for example, does stating that one desires an apology increase the likelihood of obtaining one? For this purpose, a series of logistic regression analyses were conducted for each type of nonmonetary relief. By matching the victims' objectives to their corresponding categories of nonmonetary relief, it was possible to observe whether the complainants who sought an apology received one, and whether those who sought recognition obtained recognition. The relationships between recognition as an objective and recognition as an outcome, and apology as an objective and apology as an outcome, were therefore of particular interest. The matches for a conversation or meeting with the victim and for measures to reduce the victim's suffering were not analyzed because

Table 4: Independent Variables and Control Variables: Percentages and Frequencies

<i>Variable</i>	<i>Percentage (Frequency)</i>
Type of sexual abuse (self-reported)	
No physical contact	23.6 (<i>n</i> = 292)
Sexual acts on accused by victim	38.3 (<i>n</i> = 474)
Sexual acts on victim by accused (excluding rape/penetration)	86.1 (<i>n</i> = 1,065)
Rape/penetration	28.9 (<i>n</i> = 357)
Other	6.2 (<i>n</i> = 77)
Unknown (missing)	3.7 (<i>n</i> = 46)
Frequency of the abuse	
One occasion	14.3 (<i>n</i> = 177)
Multiple occasions	82.0 (<i>n</i> = 1,014)
Unknown	3.7 (<i>n</i> = 46)
Evidence (number)	
0	25.2 (<i>n</i> = 312)
1	38.5 (<i>n</i> = 476)
2	28.8 (<i>n</i> = 356)
3	3.8 (<i>n</i> = 47)
Unknown (missing)	3.7 (<i>n</i> = 46)
Complaint disputed	29.0 (<i>n</i> = 359)
Defenses raised	
0	71.1 (<i>n</i> = 879)
1	22.3 (<i>n</i> = 276)
2	6.1 (<i>n</i> = 75)
3	0.6 (<i>n</i> = 7)
Accused_deceased	
Alive (all)	17.9 (<i>n</i> = 222)
Deceased (all)	74.9 (<i>n</i> = 927)
Deceased (some, but not all)	2.2 (<i>n</i> = 27)
Unknown	4.9 (<i>n</i> = 61)
Panel composition (legal)	
33%	43.5 (<i>n</i> = 538)
67%	48.0 (<i>n</i> = 594)
100%	8.5 (<i>n</i> = 105)
Panel composition (female)	
0%	16.6 (<i>n</i> = 205)
33%	52.2 (<i>n</i> = 646)
67%	26.4 (<i>n</i> = 326)
100%	4.9 (<i>n</i> = 60)
Gender (victim)	
Male	81.2 (<i>n</i> = 1,005)
Female	18.6 (<i>n</i> = 230)
Unknown	0.2 (<i>n</i> = 2)
Gender (accused)	
Male	91.5 (<i>n</i> = 1,132)
Female	7.0 (<i>n</i> = 86)
Unknown	1.5 (<i>n</i> = 19)
Number of accused	1.16 (<i>n</i> = 1,237)
Legal_support	
Yes	98.9 (<i>n</i> = 1,224)
No	1.1 (<i>n</i> = 13)

Table 4 *Continued*

<i>Variable</i>	<i>Percentage (Frequency)</i>
Number of objectives	2.64 (<i>n</i> = 1,188)
Duration (in months)	8.34 (<i>n</i> = 1,230)
Year (decision)	
2011	6.0 (<i>n</i> = 74)
2012	25.1 (<i>n</i> = 311)
2013	22.0 (<i>n</i> = 272)
2014	16.6 (<i>n</i> = 205)
2015	18.0 (<i>n</i> = 223)
2016	12.2 (<i>n</i> = 151)
2017	0.1 (<i>n</i> = 1)
Year (complaint)	
1996	0.1 (<i>n</i> = 1)
2010	2.3 (<i>n</i> = 28)
2011	18.6 (<i>n</i> = 230)
2012	26.0 (<i>n</i> = 322)
2013	15.8 (<i>n</i> = 196)
2014	22.9 (<i>n</i> = 283)
2015	13.7 (<i>n</i> = 169)
2016	0.1 (<i>n</i> = 1)

NOTES: Frequencies in parentheses. More than one category of sexual abuse could be applicable in a single case. Missing values are excluded.

victims did not frequently report these types of nonmonetary relief as one of their objectives.

The relationships were tested in a series of logistic regression analysis for two types of dependent variables: (1) nonmonetary relief offered or provided prior to the decision (but after the start of the procedure) (Table 6), and (2) nonmonetary relief recommended by the adjudicators (Table 7). Several robustness checks without some and all control variables were conducted. All yielded similar results.

Focusing on situations where nonmonetary relief was offered or provided prior to the adjudicators' decision, no substantial effects were found for any of the matches, except for *Apology* (, Model 3): the complainants who indicated at the start of the procedure that they sought an apology were more likely to be offered an apology by the Church or the accused (controlling for other variables).

Relating the objectives to the specific types of nonmonetary relief that were offered or provided by the adjudicators resulted in a different pattern. The objective that victims stated at the start of the procedure left the type of nonmonetary relief that the adjudicators recommended unaffected (controlling for other variables, including other objectives that the victims had) (Table 7). An effect was observed only for expressing the need for recognition on the recommendation to recognize the suffering, but this effect was highly negative, indicating a decreased probability of expressing the need for recognition on the probability of the adjudicators recommending recognition of suffering.

Table 5: Effect of Victim's Stated Objective on Whether Nonmonetary Relief Is Recommended by Adjudicators: Logistic Regression with Coefficients Reported in Odds Ratios

<i>Objective (as Stated by Victim)</i>	<i>Effect on Relief_decision_ any (Odds Ratios)</i>
Recognition	0.67 (0.27)
Compensation	0.59* (0.24)
Apology	0.80 (0.24)
Closure/rehabilitation	0.75 (0.26)
Voice	0.74 (0.28)
Prevention	0.66 (0.33)
Truth finding	0.77 (0.32)
Included Control Variables	
Objectives_number, Abusetype_complainant, Abuse_frequency, Accused_number, Relief_prior_any, Legal_support, Defenses_number, Evidence, Accused_deceased, Panel_%legal, Panel_%female, Duration_days, Victim_female, Accused_female	Yes
Year decision	Yes
Adjudicator effects (Adjudicator1, Adjudicator2, Adjudicator4, Adjudicator5, Adjudicator6)	Yes
N	849
Chi ²	271.486
-2 Log likelihood	794.919
Hosmer-Lemeshow (χ^2 , df = 8)	12.713

NOTES: Standard errors in parentheses. Missing values ($n = 388$) are excluded. * $p < 0.05$; ** $p < 0.01$; *** $p < 0.001$; † $p < 0.10$.

Other relationships were not anticipated and do not have an immediate explanation.

C. Predicting Nonmonetary Relief

It was hypothesized that not only the objectives that the victims had at the start of the procedure would have an effect on the probability of victims obtaining nonmonetary relief (H_1 , H_2), but also the type (*Abusetype_complainant*) (H_3) and frequency of the sexual abuse (*Abuse_frequency*) (H_4), whether the complaint was disputed (*Disputed*, *Defenses_number*) (H_5 , H_{7a}), the amount of evidence that was available (*Evidence*) (H_6), whether the accused was deceased at the time of the procedure (*Accused_deceased*) (H_8), the proportion of adjudicators on the panel with a legal background (*Panel_%legal*) (H_9), the proportion of female adjudicators (*Panel_%female*) (H_{10}), and whether the victim obtained relief prior to the decision (*Relief_prior_any*) (H_{11}) (see Table 2).

Various models were tested by means of logistic regression analysis to determine what predicted the likelihood of the adjudicators recommending nonmonetary relief: Model 1 tested the relationship between the predictors and whether any type of nonmonetary relief was offered, provided, or recommended to victims. Models 2–4 present the results of testing the relationships between the predictors and the separate

Table 6: Effect of Victim's Stated Objective on Whether Nonmonetary Relief Is Offered or Provided Prior to the Decision: Logistic Regression with Coefficients Reported in Odds Ratios

<i>Objective (as Stated by Victim)</i>	<i>(1) Effect on Recognition_ suffering_prior (Odds Ratios)</i>	<i>(2) Effect on Acknowledgment_ abuse_prior (Odds Ratios)</i>	<i>(3) Effect on Apology_prior (Odds Ratios)</i>
Recognition	0.79 (0.24)	1.21 (0.29)	0.84 (0.22)
Compensation	1.38 (0.21)	0.97 (0.25)	1.04 (0.19)
Apology	1.58* (0.21)	1.42 (0.26)	1.73** (0.20)
Closure/rehabilitation	1.23 (0.23)	0.93 (0.28)	1.06 (0.21)
Voice	1.34 (0.24)	1.02 (0.30)	1.16 (0.22)
Prevention	1.01 (0.29)	1.03 (0.35)	1.22 (0.26)
Truth finding	1.26 (0.29)	0.99 (0.36)	1.72* (0.26)
Included Control Variables			
Objectives_number, Abusetype_complainant, Abuse_frequency, Accused_number, Legal_support, Defenses_number, Evi- dence, Accused_deceased, Panel_%legal, Panel_%female, Duration_days, Victim_fe- male, Accused_female	Yes	Yes	Yes
Year complaint	Yes	Yes	Yes
Adjudicator effects (Adjudicator1, Adjudica- tor2, Adjudicator4, Adjudicator5, Adjudicator6)	No	No	No
N	1,137	1,135	1,129
Chi ²	205.662	107.890	356.593
-2 Log likelihood	1038.477	793.410	1205.852
Hosmer-Lemeshow (χ^2 , df = 8)	11.066	10.553	9.505

NOTES: Standard errors in parentheses. Missing values are excluded. * $p < 0.05$; ** $p < 0.01$; *** $p < 0.001$; † $p < 0.10$.

categories of nonmonetary relief (e.g., recognition of suffering, acknowledgment of the abuse, apology).

Starting with nonmonetary relief offered or provided by the Church or the accused prior to the decision, strong effects across all four models can be observed for the amount of evidence that is available and the number of defenses raised (Table 8).

The negative effects are not surprising, as it can be expected that the Church or the accused will have little willingness to offer any relief if they feel the evidence is weak or if they dispute the claim. The defendants are not willing to provide any relief when they do not believe the plaintiff has a valid case. This also explains the positive effect of the amount of available evidence. Mostly negative relationships are also found for the relation between the number of defenses raised and the Church's or the accused's willingness to offer or provide recognition of the suffering, an acknowledgment of the abuse, an apology, or nonmonetary relief in general. Finally, an effect of the accused

Table 7: Effect of Victim's Stated Objective on Whether Nonmonetary Relief Is Recommended by Adjudicators: Logistic Regression with Coefficients Reported in Odds Ratios

<i>Objective (as Stated by Victim)</i>	(1)	(2)	(3)
	<i>Effect on Recognition_ suffering_decision</i> (Odds Ratios)	<i>Effect on abuse_decision</i> (Odds Ratios)	<i>Effect on Apology_decision</i> (Odds Ratios)
Recognition	0.35* (0.50)	1.01 (0.39)	0.71 (0.33)
Compensation	0.39* (0.43)	1.40 (0.33)	0.69 (0.29)
Apology	0.43† (0.47)	1.15 (0.34)	0.89 (0.30)
Closure/rehabilitation	0.36† (0.56)	1.64 (0.36)	1.06 (0.32)
Voice	0.46 (0.56)	1.19 (0.39)	0.94 (0.34)
Prevention	0.10* (0.90)	1.12 (0.46)	0.63 (0.40)
Truth finding	0.42 (0.66)	1.29 (0.42)	0.86 (0.39)
Included Control Variables			
Objectives_number, Abusetype_complainant, Abuse_frequency, Accused_number, Relief_prior_any, Legal_support, Defen- ses_number, Evidence, Accused_deceased, Panel_%legal, Panel_%female, Duration_ days, Victim_female, Accused_female	Yes	Yes	Yes
Year decision	Yes	Yes	Yes
Adjudicator effects (Adjudicator1, Adjudica- tor2, Adjudicator4, Adjudicator5, Adjudicator6)	Yes	Yes	Yes
N	849	849	849
Chi ²	121.653	138.247	208.447
-2 Log likelihood	241.724	435.821	548.505
Hosmer-Lemeshow (χ^2 , df = 8)	5.864	5.368	5.341

NOTES: Standard errors in parentheses. Missing values ($n = 388$) are excluded. * $p < 0.05$; ** $p < 0.01$; *** $p < 0.001$; † $p < 0.10$.

being deceased and the Church offering or providing an apology was found. Further inspection revealed that this effect is negative, which suggests that a deceased accused decreases the probability of the Church offering an apology to the victim.

With respect to nonmonetary relief recommended by the adjudicators and focusing on effect size, three variables are particularly of interest: relief offered or provided prior to the decision, the number of defenses raised by the accused and/or Church, and the composition of the panel of adjudicators (Table 9).

From a statistical significance perspective, no effects can be observed in the logistic regression analysis. Nevertheless, substantial effects that lack statistical significance are still of interest here, since all decisions were analyzed. From an effect size perspective, several trends are of interest. First, being offered or provided with nonmonetary relief prior to the decision reduced the probability of the adjudicators recommending an apology (statistically significant at the 0.10 level), recognition of suffering (not statistically significant), and an acknowledgment of the abuse (not statistically significant)

Table 8: Effect of Predictors on Whether Nonmonetary Relief Is Offered or Provided Prior to the Decision: Logistic Regression with Coefficients Reported in Odds Ratios

Variable	(1)	(2)	(3)	(4)
	Effect on <i>relief_prior_any</i> (Odds Ratios)	Effect on <i>Recognition_suffering_prior</i> (Odds Ratios)	Effect on <i>Acknowledgment_abuse_prior</i> (Odds Ratios)	Effect on <i>Apology_prior</i> (Odds Ratios)
Abuse—no physical contact	1.07 (0.17)	0.93 (0.18)	1.13 (0.21)	0.88 (0.17)
Abuse—rape/penetration	0.99 (0.17)	1.13 (0.18)	1.07 (0.22)	1.09 (0.17)
Abuse_frequency	0.60* (0.22)	0.97 (0.23)	1.11 (0.28)	0.64* (0.21)
Accused_deceased	ns	†	ns	**
Evidence	2.86*** (0.10)	1.75*** (0.10)	2.01*** (0.12)	2.78*** (0.10)
Defenses_number	0.21*** (0.17)	0.29*** (0.22)	0.36*** (0.27)	0.23*** (0.17)
Included Control Variables				
Objectives, Objectives_number, Abusetype_complainant, Accused_ number, Legal_support, Panel_%legal, Panel_%female, Duration_days, Victim_ female, Accused_female	Yes	Yes	Yes	Yes
Year complaint	Yes	Yes	Yes	Yes
Adjudicator effects (Adjudicator1, Adjudicator2, Adjudicator4, Adjudicator5, Adjudicator6)	No	No	No	No
N	1,117	1,137	1,135	1,129
Chi ²	391.394	205.662	107.890	356.593
−2 Log likelihood	1148.707	1038.477	793.410	1205.852
Hosmer-Lemeshow (χ^2 , df = 8)	5.889	11.066	10.553	9.505

NOTES: Standard errors in parentheses. Missing values are excluded. * $p < 0.05$; ** $p < 0.01$; *** $p < 0.001$; † $p < 0.10$.

(controlling for other variables).⁵¹ Second, the proportion of female adjudicators on the panel was positively associated with the adjudicators recommending nonmonetary relief (recognition of suffering, an acknowledgment of the abuse, an apology, or any). Third, a mostly negative relationship was also observed for the number of defenses raised by the Church or the accused: the more defenses, the lower the probability of adjudicators recommending the recognition of the victim’s suffering, an acknowledgment of the abuse, or the offer of an apology. The effect was negative for recognition of the suffering (Model 2, not statistically significant), an acknowledgment of the abuse (Model 3, not statistically significant), and an apology (Model 4, statistically significant at the 0.10 level), but not overall (Model 1, not statistically significant).

On a descriptive level, substantial differences can be observed between complaints that are disputed and complaints that are not disputed (Table 10).

⁵¹Models that tested specific types of nonmonetary relief prior to the decision (i.e., *Recognition_suffering_decision*, *Acknowledgment_abuse_decision*, *Apology_decision*) instead of the *Relief_prior_any* variable revealed a negative statistically significant (only at the 0.10 level) effect for only an apology offered prior to the decision on the adjudicators recommending an apology.

Table 9: Effect of Predictors on Whether Nonmonetary Relief Is Recommended by Adjudicators: Logistic Regression with Coefficients Reported in Odds Ratios

Variable	(1) Effect on <i>Nm_relief_</i> <i>decision_any</i> (Odds Ratios)	(2) Effect on <i>Recognition_</i> <i>suffering_decision</i> (Odds Ratios)	(3) Effect on <i>Acknowledgment_</i> <i>abuse_decision</i> (Odds Ratios)	(4) Effect on <i>Apology_decision</i> (Odds Ratios)
Abuse—no physical contact	1.03 (0.21)	0.95 (0.42)	1.44 (0.29)	1.24 (0.25)
Abuse—rape/penetration	0.95 (0.21)	0.62 (0.47)	1.40 (0.30)	0.87 (0.27)
Abuse_frequency	0.92 (0.27)	0.82 (0.54)	0.81 (0.38)	1.03 (0.34)
Accused_deceased	ns	ns	ns	ns
Relief_prior_any	1.16 (0.23)	0.62 (0.41)	0.84 (0.31)	0.64† (0.26)
Evidence	1.00 (0.15)	1.26 (0.29)	1.31 (0.20)	1.01 (0.18)
Defenses_number	1.03 (0.20)	0.49 (0.55)	0.56 (0.35)	0.58† (0.28)
Panel_%legal	0.47 (0.46)	1.67 (0.96)	0.43 (0.68)	0.82 (0.58)
Panel_%female	1.78 (0.43)	3.58 (0.96)	2.01 (0.62)	2.20 (0.55)
Included Control Variables				
Objectives, Objectives_number, Abusetype_complainant, Accused_number, Legal_ support, Duration_days, Victim_female, Accused_female	Yes	Yes	Yes	Yes
Year decision	Yes	Yes	Yes	Yes
Adjudicator effects (Adjudicator1, Adjudicator2, Adjudicator4, Adjudicator5, Adjudicator6)	Yes	Yes	Yes	Yes
N	849	849	849	849
Chi ²	271.486	121.653	138.247	208.447
−2 Log likelihood	794.919	241.724	435.821	548.505
Hosmer-Lemeshow (χ^2 , df = 8)	12.713	5.864	5.368	5.341

NOTES: Standard errors in parentheses. Missing values ($n = 388$) are excluded. For the *Relief_prior_any* variable, only the results of the comparison between (1) nonmonetary relief offered between the start of the procedure and the decision and (2) the reference category (no relief between the start of the procedure and the decision) are reported. * $p < 0.05$; ** $p < 0.01$; *** $p < 0.001$; † $p < 0.10$.

Because the complaint being disputed is related to whether the Church or the accused offers nonmonetary relief prior to the decision, the substantial effect of a disputed complaint on the adjudicators recommending nonmonetary relief disappears

Table 10: Effect of Complaint Being Disputed on Nonmonetary Relief Recommended by Adjudicators: Descriptive Results

		Claim Disputed	
		No	Yes
Relief recommended by adjudicators	No	79.6% ($n = 469$)	20.4% ($n = 120$)
	Yes	82.5% ($n = 235$)	17.5% ($n = 50$)
N	874		

NOTE: Frequencies in parentheses.

when controlling for whether nonmonetary relief was offered or provided prior to the decision.

The relationship between the number of disputes and the probability of victims obtaining nonmonetary relief may be confounded. It is possible that the number of defenses raised by the Church or the accused is a proxy for cases where the stakes are low and, as a result, where the plaintiff is not asking for that much. To examine this possibility, the correlation between the number of defenses that were raised and the number of objectives that victims had reported was calculated. The objectives victims had provides an idea about whether victims were asking for much. If the number of defenses captures whether a victim is not asking for much, one would expect that victims would ask for less in weak cases (from the perspective of the victim), that is, cases where fewer defenses are raised compared to strong cases. As a result, one would expect a negative correlation, that is, the number of defenses to decrease if the number of objectives increases.

A correlation analysis reveals that the two variables are not related ($r = 0.00$, ns), which suggests that the number of defenses raised by the Church or the accused is not a proxy for cases where the plaintiff is not asking for that much. The lack of a correlation suggests that it is unlikely that victims asked for more in weak cases, hoping that this would increase their chances of obtaining—at least for them—a favorable decision. It therefore seems unlikely that the relationship between the number of disputes and the probability of the victims obtaining nonmonetary relief is confounded by the fact that the victims do not ask for much in weak cases.

How adjudicators respond to a complaint that is disputed might vary by how clear the evidence is against the accused. Consequently, the relationship between the number of defenses and the nonmonetary relief may have also been influenced by the available evidence. The interaction effect of the number of defenses and the available evidence, which was tested by means of logistic regression analysis, was found to be substantial (Models 2, 3, 4) and statistically significant (Model 3 at 0.10 level, Model 4 at 0.05 level) (Table 11).

Finally, and unexpectedly, highly significant results were found for the *Year (decision)* variable, which was included as a control variable. This raised the possibility that the nonmonetary relief recommended by the adjudicators substantially differed over the years. The relationship between the year of the decision and whether the adjudicators recommended nonmonetary relief (any) was therefore further explored.

The descriptive data reveal a sharp decrease in the adjudicators recommending any nonmonetary relief (Figure 1). The drop in nonmonetary relief recommended by the adjudicators in a particular year as a percentage of the total number of decisions in that year is the strongest in the 2013–2014 period. In this two-year period, the percentage of decisions that included recommendation of nonmonetary relief went down from 59 percent to 11 percent.

This trend cannot be explained by any of the variables reported in this article. There are also no known influences outside of the procedure that was investigated that could explain this drop. The procedure did not change substantially, nor the relief that the adjudicators were allowed to order or recommend. Moreover, ordinary

Table 11: Effect of Predictors on Whether Nonmonetary Relief Is Recommended by Adjudicators: Logistic Regression with Coefficients Reported in Odds Ratios

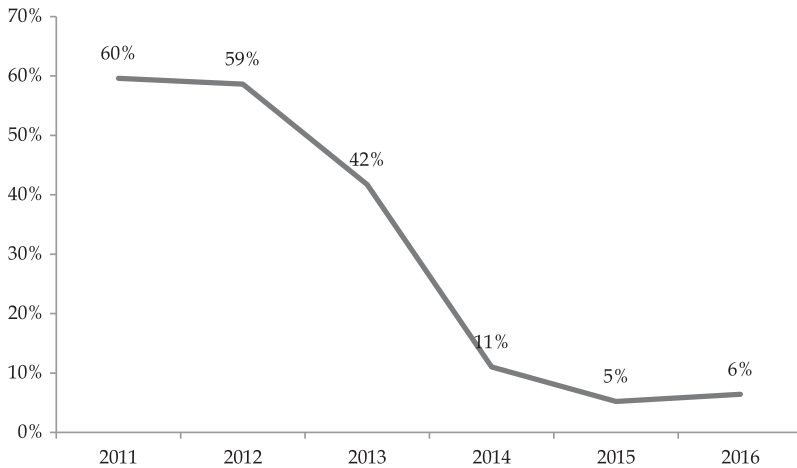
Variable	(1) Effect on <i>Nm_relief_</i> <i>decision_any</i> (Odds Ratios)	(2) Effect on <i>Recognition_</i> <i>suffering_decision</i> (Odds Ratios)	(3) Effect on <i>Acknowledgment_</i> <i>abuse_decision</i> (Odds Ratios)	(4) Effect on <i>Apology_decision</i> (Odds Ratios)
Evidence	0.95 (0.16)	1.19 (0.30)	1.12 (0.22)	0.86 (0.20)
Defenses_number	0.72 (0.48)	0.18 (1.62)	0.08* (1.11)	0.15* (0.78)
Evidence * Defenses_number	1.26 (0.29)	1.84 (0.88)	3.13† (0.58)	2.40* (0.44)
Included Control Variables				
Objectives, Objectives_number, Abusetype_complainant, Abuse_frequency, Accused_ number, Relief_prior_any, Legal_support, Accused_ deceased, Panel_%legal, Panel_%female, Duration_ days, Victim_female, Accused_female	Yes	Yes	Yes	Yes
Year decision	Yes	Yes	Yes	Yes
Adjudicator effects (Adjudicator1, Adjudicator2, Adjudicator4, Adjudicator5, Adjudicator6)	Yes	Yes	Yes	Yes
N	849	849	849	849
Chi ²	272.148	122.152	142.555	212.735
-2 Log likelihood	794.257	241.224	431.513	544.217
Hosmer-Lemeshow (χ^2 , df = 8)	9.468	5.273	3.889	7.655

NOTES: Standard errors in parentheses. Missing values ($n = 388$) are excluded. * $p < 0.05$; ** $p < 0.01$; *** $p < 0.001$; † $p < 0.10$.

tort law could not have interfered with the complaint procedure, as no ordinary tort cases were found in the Netherlands on Catholic Church sexual abuse. Furthermore, there are no known media reports that could have impacted the procedure and its outcomes.

A possible explanation for the sudden drop is the composition of the panel. It might have occurred that adjudicators who had a strong influence on the recommendation of nonmonetary relief entered or left the panel, which changed existing practices. As the names of individual panel members were available, it was examined whether the nonmonetary relief recommended by the adjudicators coincided with certain adjudicators entering or leaving the panel. For each of the 27 adjudicators who decided at least one case, the adjudicator's panel participation was calculated. The calculation was made by dividing the number of decisions the adjudicator was involved in in a given year by the total number of decisions in that year. For the majority of the adjudicators, no remarkable developments in panel participation were observed that could be related to the drop in the 2013–2014 period. However, four adjudicators left the panel at the same time of the drop, and two adjudicators entered the panel during the same period.

Figure 1: Relief (if any) recommended by adjudicators as percentage of number of decisions.



Their panel participation showed remarkable similarities to the drop in nonmonetary relief recommended by the adjudicators (Figure 2).

The trends of panel participation may be unrelated to recommendations of nonmonetary relief in the decisions. To test whether the presence or absence of these six adjudicators explains the nonmonetary relief that was recommended to the Church or the accused, logistic regression analyses were conducted where the six adjudicators served as independent (binary) variables in addition to the variables that were used in the previous analyses. Because of multicollinearity concerns, the analysis was conducted with and without the composition of the panel (*Panel_%legal* and *Panel_%female*) and for the year in which the decision was made (*Year (decision)*) (Table 12).

An adjudicator effect can be observed for five of the six adjudicators in Model 1 and Model 2 of Table 12; however, in all the models one adjudicator in particular stands out. This adjudicator clearly had a tremendous impact on the probability of the adjudicators recommending nonmonetary relief: the probability of adjudicators recommending nonmonetary relief was approximately six times higher (Models 1 and 2) when this adjudicator was a panel member compared to when he was not a panel member. Perhaps contrary to what one intuitively would expect, this particular adjudicator had a legal background (retired judge), was a male, and was one of the five vice-chairmen with, as a result, presumably substantial influence on the panel. The presence of Adjudicator 4 (male, nonlegal background) and/or Adjudicator 2 (female, legal background) also increased the probability of a recommendation for nonmonetary relief (Models 1 and 2). The presence of Adjudicator 5 (male, legal) or Adjudicator 6 (female, legal background) decreased this probability (Models 1 and 2), but to a much lesser extent than the positive effect of the first adjudicator.

Figure 2: Relief recommended by adjudicators (top) versus adjudicators who left (middle) or entered (bottom) the panel over the years.

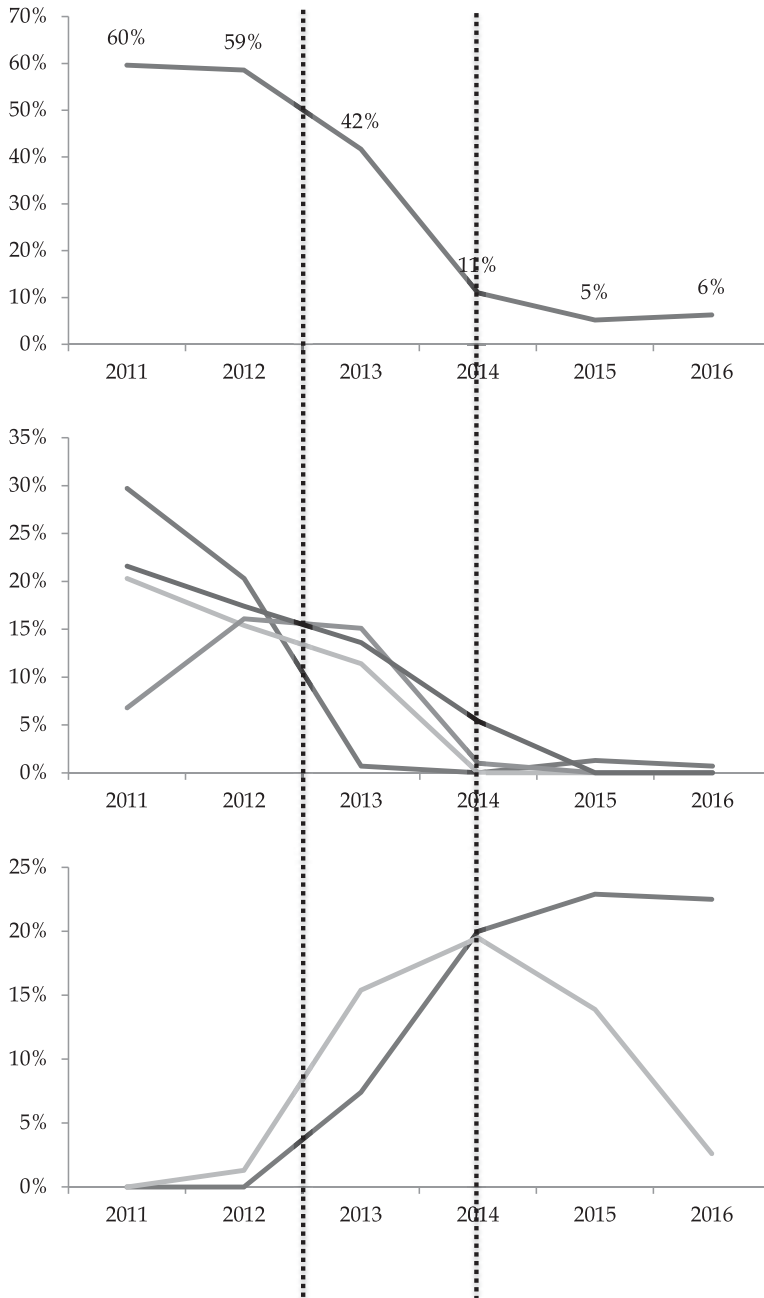


Table 12: Effect of Adjudicator Presence on Whether Nonmonetary Relief Is Recommended by Adjudicators: Logistic Regression with Coefficients Reported in Odds Ratios

<i>Variable</i>	(1) <i>Effect on Nm_relief_ decision_any (Odds Ratios)</i>	(2) <i>Effect on Nm_relief_ decision_any (Odds Ratios)</i>	(3) <i>Effect on Nm_relief_ decision_any (Odds Ratios)</i>
Panel_%legal		0.97 (0.44)	0.58 (0.48)
Panel_%female		1.50 (0.39)	1.73 (0.43)
Year (decision)			***
Adjudicator 1 (left the panel)	5.67*** (0.32)	6.02*** (0.32)	2.78** (0.35)
Adjudicator 2 (left the panel)	1.84* (0.28)	1.71† (0.30)	0.66 (0.31)
Adjudicator 3 (left the panel)	1.05 (0.28)	1.12 (0.30)	0.63 (0.30)
Adjudicator 4 (left the panel)	2.22** (0.24)	2.41** (0.27)	1.18 (0.29)
Adjudicator 5 (entered the panel)	0.28*** (0.38)	0.29** (0.38)	0.59 (0.43)
Adjudicator 6 (entered the panel)	0.59† (0.29)	0.55* (0.30)	0.80 (0.33)
Included Control Variables			
Objectives, Objectives_number, Abusetype_complainant, Abuse_ frequency, Accused_number, Relief_prior_any, Legal_support, Defenses_number, Evidence, Accused_deceased, Duration_days, Victim_female, Accused_female	Yes	Yes	Yes
Year decision	Yes	Yes	Yes
N	849	849	849
Chi ²	136.431	137.715	273.802
−2 Log likelihood	929.974	928.690	792.603
Hosmer-Lemeshow (χ^2 , df = 8)	3.449	4.325	14.128†

NOTES: Standard errors in parentheses. Missing values ($n = 388$) are excluded. * $p < 0.05$; ** $p < 0.01$; *** $p < 0.001$; † $p < 0.10$.

Model 3 of Table 12, which includes the *Year (decision)* variable, suggests that the year in which the decision was made has an effect on the probability of the adjudicators recommending nonmonetary relief that is independent of the presence of the six adjudicators. It could also be concluded that the adjudicator effect is limited, given that most of the effects disappear when controlling for *Year (decision)*. However, it is questionable to draw this conclusion, as the *Year (decision)* variable may partly be capturing the same effect as the adjudicator variables—some adjudicators were active only in certain years. Additionally, Model 3 may not be a good fit, considering that the Hosmer-Lemeshow test approaches statistical significance (at the 0.05 level).

VI. DISCUSSION

The findings expose important challenges with respect to designing tort law or victims compensation funds focused on victims’ needs (monetary and nonmonetary). First, this

study finds that the adjudicators were willing to provide nonmonetary relief. The results demonstrate that the adjudicators often took the opportunity to recommend nonmonetary relief if they advised to grant the complaint, with an apology, exploring possibilities to reduce the suffering, and an acknowledgment of the abuse being the types of nonmonetary relief that were recommended most frequently. This willingness is an important finding, as previous research has shown substantial resistance in the legal community with respect to ordering relief that is not voluntarily provided by the wrongdoer. For example, previous research on court-ordered apologies shows that adjudicators are hesitant to order nonmonetary relief because it is believed that court-ordered relief is not sincere or otherwise inappropriate.⁵²

Notwithstanding the adjudicators' willingness to order (recommend) nonmonetary relief, a mismatch is found between what victims sought prior to the proceeding and what they were offered in the end. Only victims who indicated to seek an apology were more likely to be offered or provided one by the Church or the accused (partly confirming H_2). Other than that, the relief that was recommended or offered to the complainants, either by the adjudicators or by the Church or the accused prior to the decision, was not associated with the objectives victims had expressed at the start of the procedure (H_1 , H_2 not confirmed). In fact, the relationships were negative for the adjudicators, meaning that the adjudicators were less likely to recommend nonmonetary relief if the victim had requested it. The negative relationships suggest that the complainants may have been better off not indicating what they pursued to actually receive what they wanted. If expressing objectives is detrimental to a victim's chances of obtaining certain types of nonmonetary relief, the procedure may have created false expectations.

The mismatch between what victims sought and what they obtained has various possible explanations. One possible explanation is that the adjudicators felt that granting the complaint provided sufficient (nonmonetary) relief to the victim. The adjudicators may have considered granting the complaint a form of recognition. Yet this does not completely explain the mismatch, as it does not explain why the adjudicators were not more inclined to recommend an apology when the victim sought one. Another explanation is that adjudicators may simply not have paid attention to the victims' objectives when deciding, that they believed nonmonetary relief has more value when not asked for or that victims were more deserving of it when they did not express the need for nonmonetary relief, that the adjudicators felt that the objectives that victims expressed were not their true objectives, or that the cases where nonmonetary relief was recommended differed from the cases where nonmonetary relief was not recommended and that these differences were not captured by the control variables. Additionally, the adjudicators may have adhered to the rules of behavior that are considered acceptable

⁵²For example, Carroll, *You Can't Order Sorrow, So Is There Any Value in an Ordered Apology? An Analysis of Apology Orders in Anti-Discrimination Cases* (identifying the views by Australian judges on an apology that is not offered voluntarily, including concerns regarding sincerity and freedom of expression). See also Carroll, *Apologies as a Legal Remedy*.

in their group or peer group.⁵³ The mere fact that the decisionmakers were put in a position of adjudicators made them behave in a way that corresponded with what they believe adjudicators are supposed to do. The selection of judges as adjudicators could have resulted in the judges adjudicating the cases in ways similar to how they would have normally, that is, when handling a case as a judge in court. Finally, preadjudication relief may have explained the mismatch between what victims sought and what they obtained. Some evidence was found for an effect of the Church or the accused offering nonmonetary relief prior to the decision on the adjudicators recommending nonmonetary relief, an apology in particular (confirming H_{11}). The observed effects were mostly negative, suggesting that the adjudicators deemed an apology offered or provided prior to the decision sufficient for the victim.

The mismatch between what victims sought and what the adjudicators recommended raises the question of whether an adjudicator effect exists: Are individuals, in their role as adjudicator, less receptive to victims' nonmonetary needs than they otherwise would be and, if so, how to make them more receptive? Future research should provide more clarity on the matter.

It is somewhat alarming that expressing the need for monetary compensation reduces the probability of adjudicators recommending nonmonetary relief. This finding suggests that victims claiming monetary compensation may be perceived as money-grubbers, while in reality they merely may have sought monetary compensation to pursue other needs such as recognition or an apology. Research has, for example, found that a monetary reward can serve as an acknowledgment for the wrongdoer's responsibility and as recognition that one's emotional harm was real.⁵⁴ In addition, apology research has shown that an apology may need to include an affirmation component (e.g., an acknowledgment) and an action component (e.g., compensation) in addition to an affect component (e.g., remorse, regret) in order for the apology to be accepted or effective.⁵⁵ Consequently, a "true" apology sometimes should include an offer for compensation.

Focusing on what predicts the probability of victims obtaining nonmonetary relief, either prior to the decision or through the adjudicators recommending the relief, several predictors were identified. An increase of the number of defenses by the Church or the accused made it less probable that victims would obtain nonmonetary relief, either through the Church or the accused or through the adjudicators recommending nonmonetary relief (confirming H_5). This effect does not surprise for the Church or the

⁵³Robert B. Cialdini, Raymond R. Reno & Carl A. Kallgren, A Focus Theory of Normative Conduct: Recycling the Concept of Norms to Reduce Littering in Public Places, 58(6) *J. Personality & Soc. Psych.* (1990).

⁵⁴Liesbeth Hulst & Arno J. Akkermans, Can Money Symbolize Acknowledgment? How Victims' Relatives Perceive Monetary Awards for Their Emotional Harm, 4(3–4) *Psychol. Injury & L.* (2011).

⁵⁵For example, Alfred Allan et al., Apology in Restorative and Juvenile Justice, 21 *Psychiatry, Psych. & L.* (2013); Debra J. Slocum, Alfred Allan & Maria M. Allan, An Emerging Theory of Apology, 63(2) *Austl. J. Psych.* (2011); Alfred Allan, Dianne McKillop & Robyn Carroll, Parties' Perceptions of Apologies in Resolving Equal Opportunity Complaints, 17(4) *J. Psychiatry, Psych. & L.* (2010).

accused, as it is only logical that a defendant is not inclined to provide any relief if he does not believe the case to be valid. This also explains why the available evidence has an effect on the Church or the accused offering or providing nonmonetary relief (confirming H_6 , but only regarding the Church or the accused).

The results also suggest a negative relationship between the number of defenses raised by the Church or the accused and the adjudicators recommending nonmonetary relief (confirming H_{7a}). Several models revealed a substantial effect, which suggests that a more adversarial procedure puts constraints on the role of nonmonetary outcomes. For the adjudicators, a complaint that is disputed may have signaled that recommending nonmonetary relief may be meaningless because the relationship between the complainant and the respondent was damaged, or because the nonmonetary relief that would be provided by the wrongdoer or respondent would not be sincere. However, the analysis also showed a statistically and/or substantial significant interaction effect of the number of defenses and the available evidence on the adjudicators recommending specific types of nonmonetary relief. This finding suggests that the effect of the number of defenses on the adjudicators recommending nonmonetary relief depends on the available evidence (confirming H_{7b}). The adjudicators seemed to have been less hesitant to recommend nonmonetary relief if the complaint was disputed but a variety of evidence existed that supported the complaint.

This finding has important implications for making tort law more victim oriented. In tort law, the wrongdoer will commonly dispute the claim forwarded by the plaintiff. The results presented in this research suggest that under these circumstances, it will be difficult to provide tort victims with nonmonetary relief, as adjudicators will not be inclined to order or recommend such relief, even if the procedure is designed in a victim-friendly way like the sexual abuse scheme analyzed in this article. Future research should analyze to what extent this mechanism can and should be overcome.

A positive effect was found for proportion of female adjudicators and the probability of the adjudicators recommending nonmonetary relief (confirming H_{10}). The effects were substantial, but not statistically significant. No convincing evidence was found for an effect of the proportion of adjudicators with a legal background on the probability of the adjudicators recommending nonmonetary relief (H_9 not confirmed). Instead, the single best predictor of adjudicators recommending nonmonetary relief was the involvement of a few panelists. This means that panel composition can matter, but that individuals matters more. More generally, the findings suggest that providing nonmonetary relief is not merely a matter of building a legal infrastructure that allows or stimulates offering nonmonetary relief; equally important is the willingness and persuasiveness of those involved in the procedure to focus on nonmonetary elements of a claim or dispute.

The severity and frequency of the sexual abuse did not impact the likelihood of obtaining nonmonetary relief (H_3 , H_4 not confirmed). The accused being deceased at the start of the procedure generally did not increase the probability of victims obtaining nonmonetary relief, particularly regarding the adjudicators recommending nonmonetary relief (H_8 not confirmed). A negative relationship between the accused being deceased and the Church offering an apology was found in situations where the Church or the accused offered or provided an apology prior to the decision. A possible explanation for

this is that an apology was deemed less possible or meaningful in the event the accused was deceased compared to when he was alive at the start of the procedure.

As with all research, this study has limitations. First, it relies on the decisions (recommendations) of the adjudicators as published on the website. Consequently, only data included in those decisions could be used. For example, the study does not include information on how complainants experienced the procedure, whether the objectives they reported match their true objectives, how they valued the outcomes (e.g., granting the complaint, obtaining nonmonetary relief), and how their satisfaction relates to their objectives and obtaining nonmonetary relief (or not). Also, the dataset lacks information on repeat offenders. Because the decisions are anonymized, it was not possible to determine which offender was allegedly responsible for the sexual abuse and, consequently, who were multiple offenders.

Although the sample that was analyzed includes (almost) all decisions, this does not mean that the results may be generalized to tort victims in other substantive or geographical areas. The Catholic Church sexual abuses cases that were analyzed are sensitive cases that are less likely to be disputed than disputes in ordinary tort law. Additionally, the cases that were analyzed frequently involved a deceased defendant. It is not known to what extent this context influences the findings (although the analyses controlled for this influence).

The harm that the sexual abuse victims suffered may be considered as a severe injury, physically and particularly psychologically. The results can therefore at least be generalized to victims of sexual abuse who take (or consider) legal action, possibly to victims who suffered severe psychological injuries as a result of another person's wrong, and perhaps to tort victims in general.

Another interesting question is whether nonmonetary relief is associated with higher monetary rewards or with an increased desire for monetary rewards. Given that the compensation committee is still deciding cases and awarding damages, this question cannot yet be answered. Alternatively, it could have been researched whether the need for financial compensation is positively related to nonmonetary needs. This relationship is explored in a different paper, which reveals that the need for financial assistance is positively associated with some nonmonetary needs, and negatively associated with other nonmonetary needs.⁵⁶

Finally, the effects that were found are not necessarily causal. Although this study was able to control for several important variables, effects of omitted variables cannot be ruled out.

VII. CONCLUSION

This study explored whether claimants were able to obtain nonmonetary relief through a hybrid procedure that combines elements of tort litigation and a victims compensation

⁵⁶Gijs Van Dijck, *Victims of Sexual Abuse by the Catholic Church in the Spotlight: Empirically Examining Victims' Needs* (working paper, July 21, 2017, available upon request).

fund and, if not, why. The results signal that a procedure that is intended to be victim oriented may end up looking like the tort system. The findings contribute to a better understanding of whether and how tort law can address nonmonetary needs in addition to monetary needs. Additionally, they offer insight into how nonmonetary relief can be integrated into “ordinary” tort law (or in other dispute mechanisms), and the obstacles one may experience when designing a victim-oriented procedure. It turns out that the role of nonmonetary relief does not only depend on a proper legal infrastructure; the mentality and attitudes of the players in the system are of equal importance, if not more important.

APPENDIX

Table A1: Effect of Victim’s Stated Objective on Whether Nonmonetary Relief Is Offered or Recommended After Start of Procedure, Logistic Regression with Coefficients Reported in Odds Ratios

<i>Objective (as Stated by Victim)</i>	<i>Effect on Relief_afterstart (Odds Ratios)</i>
Recognition	0.91 (0.21)
Compensation	0.87 (0.19)
Apology	1.54* (0.19)
Closure/rehabilitation	1.11 (0.21)
Voice	1.31 (0.22)
Prevention	1.45 (0.26)
Truth finding	1.44 (0.26)
Included Control Variables	
Objectives_number, Abusetype_complainant, Abuse_	Yes
frequency, Accused_number, Legal_support,	
Defenses_number, Accused_deceased, Pan-	
el_%legal, Panel_%female, Duration_days, Vic-	
tim_female, Accused_female	
Year complaint	Yes
Adjudicator effects (Adjudicator1, Adjudicator2,	No
Adjudicator4, Adjudicator5, Adjudicator6)	
N	1,141
Chi ²	267.625
−2 Log likelihood	1266.221
Hosmer-Lemeshow (χ^2 , df = 8)	5.464

NOTES: Standard errors in parentheses. Missing values ($n = 96$) are excluded. * $p < 0.05$; ** $p < 0.01$; *** $p < 0.001$; † $p < 0.10$. The analysis did not control for *Evidence* and whether the complaint was granted due to statistically significant results of the Hosmer-Lemeshow test.

Table A2: Effect of Victim’s Stated Objective on Whether Nonmonetary Relief Is Offered or Provided Prior to the Decision, Logistic Regression with Coefficients Reported in Odds Ratios

<i>Objective (as Stated by Victim)</i>	<i>Effect on Relief_prior_any (Odds Ratios)</i>
Recognition	0.82 (0.23)
Compensation	1.20 (0.19)
Apology	1.71** (0.20)
Closure/rehabilitation	1.06 (0.22)
Voice	1.19 (0.23)
Prevention	1.51 (0.27)
Truth finding	1.70† (0.28)
Included Control Variables	
Objectives_number, Abusetype_complainant, Abuse_frequency, Accused_number, Legal_support, Defenses_number, Evidence, Accused_deceased, Panel_%legal, Panel_%female, Duration_days, Victim_female, Accused_female	Yes
Year complaint	Yes
Adjudicator Effects (Adjudicator1, Adjudicator2, Adjudicator4, Adjudicator5, Adjudicator6)	No
N	1,117
Chi ²	391.391
−2 Log likelihood	1148.314
Hosmer-Lemeshow (χ^2 , df = 8)	6.842

NOTES: Standard errors in parentheses. Missing values (*n* = 120) are excluded. **p* < 0.05; ***p* < 0.01; ****p* < 0.001; †*p* < 0.10.