

# ROCHESTER ZEN CENTER

## ETHICAL GUIDELINES

(As adopted by the Center's Board of Trustees at its meeting on May 11 and 12, 2002)

### PREFACE

There is much more to Buddhism than the cultivation of virtue. The Zen school, in fact, points to the Original Mind that precedes all moral constructs. But in order to realize this Mind that is beyond right and wrong, upright conduct is essential. It supports, strengthens and deepens our meditation, thus helping to liberate our innate wisdom. These ethical guidelines are meant to ensure the unimpeded functioning of the Way for all who participate in the life of the Sangha. In honoring them we bring benefit to ourselves as well as others.

—Sensei Bodhin Kjolhede, Abbot

### I. THE BUDDHIST PRECEPTS

#### A. INTRODUCTION

As members of the Rochester Zen Center we are inextricably bound to each other, and the ways in which we interact can have a profound effect on our practice. For that reason, a task force of the Zen Center's Trustees worked during the years 2000 and 2001 to articulate ethical guidelines for the Sangha – guidelines that we hope will help create a supportive, harmonious, and safe environment. The task force began by reviewing the sixteen Buddhist precepts and considering the ways that they inform our lives together.

The sixteen precepts are so intimate a part of Zen practice that they have been called the "blood vein" of the ancestral lineage. The precepts can be understood on many levels: as supports for the practice of awakening, as the environment for that practice, and as the expression of awakening itself. Although the precepts can be understood from different points of view – for example, that we can never fully live up to the precepts or that we are already whole and complete just as we are – we do not believe that Zen practice can exist in their absence.

We offer four observations on the following text. First, while the precepts have stood the tests of many generations, the way they are explained and practiced may evolve. As Trustees of the Zen Center at a specific moment in time, we realize that our interpretations are subject to change. Second, these interpretations are not intended to limit anyone's understanding or to be a definitive reading of the precepts. Third, this document does not attempt to cover any questions of personal conduct that do not have a direct bearing on the Zen Center community. And fourth, these principles are not intended to supersede specific Zen Center guidelines but to complement and support them.

## B. THE THREE REFUGES

The Three Refuges represent the foundation and orientation of our lives as followers of the Buddha Way.

1. *I take refuge in Buddha.* In taking refuge in Buddha, we acknowledge the Buddha Nature of all beings. Although there are different levels of religious and administrative authority at the Center, we recognize that we are all equally the expression of Buddha Nature.
2. *I take refuge in Dharma.* In taking refuge in Dharma, we acknowledge the wisdom and compassion of the Buddhist way of life. It is through the Dharma that we express and make accessible the teachings of the Buddha as conveyed to us through the lineage of our teachers. “Dharma” is often translated as “law,” and in that light we can view the Buddha’s teachings as guidelines for our behavior in all areas of our lives.
3. *I take refuge in Sangha.* In taking refuge in Sangha, we acknowledge the important role that the Center’s community life plays in our practice. In order for the Sangha to be a refuge, we aspire to create an inclusive environment, with room for understanding and accepting our differences while working towards the realization that the Sangha and ourselves are not separate. Open, ongoing communication within the Sangha is essential for creating this refuge. Any ethical concerns or conflicts must be fully heard and appropriately addressed.

## C. THE THREE GENERAL RESOLUTIONS

The Three General Resolutions are inseparable from the Buddhist practice taught at the Center. They represent the aspiration of every follower of the Buddha Way.

1. *I resolve to avoid evil.* To avoid evil means to refrain from causing harm to oneself or others – or to animals, plants or the Earth - by our thoughts, speech, and actions.
2. *I resolve to do good.* To do good means to act from the compassion and equanimity of our awakened nature. As part of our effort to live ethically, we embrace the Mahayana practices of confession, repentance, atonement, and reconciliation.
3. *I resolve to liberate all sentient beings.* To liberate all sentient beings means to manifest our Buddha Nature for the benefit of all. When we express our awakened nature, we give others the opportunity to discover their own True Mind.

## D. THE TEN CARDINAL PRECEPTS

The Ten Cardinal Precepts are inseparable from Buddha Nature and our relations with each other.

1. *I resolve not to kill, but to cherish all life.* This precept expresses the intent to live compassionately and harmlessly, arising from the acknowledgment of the inherent unity of all existence. When understood in its broadest context, not killing can also be understood as not harming, especially not harming the body or psyche of another. Physical violence and abusive behavior (which includes physical threats and extreme displays of anger and maliciousness) are understood as a kind of “killing.”

In keeping with this aspiration, all firearms and other weapons designed principally for taking life have no place within the Center’s practice places, and flesh foods shall not be consumed within the Center’s practice places unless permitted by the Abbot under special circumstances. We also acknowledge our role, either directly or in complicity with others, in the killing of other forms of life. As a Sangha, when questions arise that include the killing of animals and plants, we must carefully consider our real needs and our responsibilities to work for the benefit of all beings.

2. *I resolve not to take what is not given, but to respect the things of others.* This precept expresses the commitment to live from a generous heart rather than from a grasping mind, realizing that just as we are, we lack nothing. At a personal level, covetous behavior harms the person who steals as well as the one who is stolen from. On a community level, stealing can undermine or even destroy the trusting environment for Zen practice. Those who handle Sangha funds or other assets have a special responsibility to take care of them and avoid their deliberate misuse or misappropriation, both of which are institutional forms of stealing. (Please see Sections V, Conflicts of Interest, and VI, Financial Policy – Private Benefit Prohibited, below.)

In addition, we recognize that the misuse of authority and status is a form of taking what is not given. Within the complex life of the Sangha, various hierarchical levels of authority and seniority play a role in some situations. It is particularly important that individuals in positions of trust do not misuse their authority as a way to achieve special privileges, or seek to otherwise inappropriately control or influence others.

3. *I resolve not to misuse sexuality, but to be caring and responsible.* We recognize that sexuality is as much a part of practice as any other aspect of our daily lives. Acknowledging and honoring our sexuality is part of creating an environment where conscious, mindful, and compassionate relationships can be cultivated.

Special care must be taken when people of unequal status or authority enter into a sexual relationship. In particular, there are two forms of relationships that can

lead to great harm and confusion. Each is considered a violation of this precept. First, it is a misuse of sexuality for an adult to engage in sexual behavior with anyone who is a minor. Full responsibility for avoiding such relationships lies with the adult.

Second, it is considered a misuse of authority, responsibility, and sexuality for a Center teacher to engage in sexual behavior with his or her student. If a teacher and/or student feels at risk of violating this guideline, she or he is expected to suspend the teacher-student relationship and seek counsel with the Center's Abbot and/or with the Guidance Committee.

Before forming a sexual relationship with anyone who is or has recently been a student, any Instructor, the Head of the Zendo, any Affiliate Leader, or any other person in a formal role that may entail clear advantages of influence over others is expected to discuss the appropriateness of the potential relationship with the Abbot. The Abbot, before forming such a relationship, is expected to discuss its appropriateness with the Guidance Committee. It is also considered a misuse of sexuality for a teacher at the Center to form a sexual relationship with a former student within one year of the termination of the teacher-student relationship.

Particular care must be shown toward new members of the Center. We believe that it takes approximately six months for a new member to establish the foundation of his or her practice and to begin to understand the complex nature of inter-relationships within the Sangha. In order to protect a new member's opportunity to practice, we expect anyone who has been a member of the Center longer than six months to act with special consideration before forming a potential relationship with another person during the first six months of his or her membership.

Everyone coming to the Center in any capacity has the right to be free from sexual harassment. Continued expression of sexual interest after being informed that such interest is unwelcome is a misuse of sexuality. (See Section II, Dual Relationships, and Section III, Sexual Harassment, below.)

4. *I resolve not to lie, but to speak the truth.* The precept "not to lie" is particularly important for the community life of a practicing Sangha. While ethical transgressions can involve any of the precepts, many of these difficulties would not arise were there not an element of deceit involved. Lying to oneself, to another or to one's community obscures the nature of reality and hinders the intention of Buddhist practice. Lying can include intentional withholding of information, half-truths, deliberately creating misimpressions, and not speaking up to correct lies.

Open and direct communication is essential in our work and practice together. We are each entitled to straightforward, complete information when we request feedback regarding our behavior, standing, or performance within the

community. We can expect that, upon our request, this will be given in the spirit of honesty and compassion.

Students at the Center should feel that they can practice freely in an atmosphere of trust. The Center's teachers and practice leaders shall not disclose information they receive in dokusan, daisan, or discussions when confidentiality is requested and agreed to, unless serious harm may result to individuals or to the Sangha if the information is not disclosed. Even when there is no specific request for confidentiality, such information is not to be shared casually under any circumstances by either of the people involved in the conversation. Within the teaching process, however, consultation among teachers regarding matters that are not strictly confidential may be appropriate, particularly when staff members are involved. All those who engage in such consultations should make every effort to ensure it is done in a sensitive, fair and respectful manner.

5. *I resolve not to cause others to abuse alcohol or drugs, nor to do so myself, but to keep the mind clear.* Buddhist practice occurs within the context of mindfulness, a state of mind that is not conditioned by intoxicants of any sort. When clarity is lost it is all too easy to break the other precepts. Furthermore, we intend the Center to be an environment that supports those who are attempting to live without intoxicants. Therefore, alcohol or drug intoxication within the Center is inappropriate and is cause for concern and possible intervention.

When a member is involved in abusive or addictive use of intoxicants, it is important to remember that release from all attachments lies at the heart of Buddhist practice, and he or she is expected to seek help within and/or outside the Sangha. Because denial is frequently a symptom of addiction, the Sangha is encouraged to help addicted persons recognize the need for help.

6. *I resolve not to speak of the faults of others, but to be understanding and sympathetic.* This precept arises from our efforts to build social harmony and understanding. False and malicious statements in and of themselves are acts of alienation arising from a delusive sense of the opposition of self and other. The consequence of slander is often pain for others and divisiveness in the community. Where the intention to slander does arise, the effort to understand its roots is an expression of this precept. And even when such speech is consistent with the facts, those engaging in gratuitous criticism can be damaged by the negative influence that results from dwelling on others' shortcomings.
7. *I resolve not to praise myself and disparage others, but to overcome my own shortcomings.* While rejoicing in our wholesome qualities and deeds is a time-honored Buddhist practice, praising ourselves or seeking personal gain at the expense of others arises out of a misunderstanding of the interdependent nature of self. Within the Center, it may sometimes be necessary to criticize the actions of certain individuals or groups. When doing so, we should pay particular attention to our motives, to the specific content of what is said, to whom it is said, and to the potential repercussions of the criticism.

8. *I resolve not to withhold spiritual or material aid, but to give them freely when needed.* All positions at the Center, including that of the Abbot, exist for the support of everyone's practice and awakening. Neither the resources of the Center nor any position within the Center are the possession of any one person. It is not appropriate for anyone, especially a teacher, to use his or her relationship to the Center for personal gain or advancement at the expense of the Sangha or any of its members. (See Section V, Conflicts of Interest, and Section VI, Financial Policy – Private Benefit Prohibited, below.)

In the spirit of non-possessiveness, decision-making groups at the Center should make decisions together in a cooperative manner, and with a wholehearted effort to consider all points of view. It is important that the Center's finances, decision-making structure, and minutes of major decision-making bodies be made available in an accessible and understandable form.

9. *I resolve not to indulge in anger, but to practice forbearance.* The harboring of ill-will is a poison for individuals and for the community. Even more corrosive is the harboring of ideas of revenge. Sangha members having conflicts or tensions with others or with any of the Center's decision-making groups should attempt to resolve them directly in a spirit of honesty, humility, and loving-kindness. However, if informal resolution is not possible, mediation should be sought as a way to clarify the difficulty.
10. *I resolve not to revile the Three Treasures (Buddha, Dharma and Sangha), but to cherish and uphold them.* As the Three Treasures are inseparable from one another, awakening informs our practice and our community life, practice informs our community life and our awakening, and community life informs our awakening and our practice. The abuse of any one of the Three Treasures harms the other two.

To acknowledge our transgressions, to seek reconciliation, and to renew our commitment to the precepts is the working of Buddha Nature and re-affirms our place in the Sangha. When the integrity of the Sangha is honored and protected, the Three Treasures are manifest.

## II. DUAL RELATIONSHIPS

### A. STATEMENT OF PRINCIPLE.

For the purposes of these Ethical Guidelines, a dual relationship exists when the Abbot, an Instructor, or the Head of the Zendo engages with his or her student in one or more additional relationships. These include, without limitation, relationships of employer/employee (outside the Center), therapist/client and counselor/counselee, and sexual relationships.

Although some dual relationships may be appropriate, dual relationships generally involve a disparity of power and authority, and many of them carry potentially serious risks for the student. Such risks may include the violation of personal boundaries, increased emotional and psychological vulnerability, exploitation in various forms, loss of autonomy, and confusion of roles. In addition, certain dual relationships can undermine the teacher/student relationship and the value of the student's Zen training. Accordingly, such dual relationships are, to the extent practicable, to be avoided or, at the least, undertaken with serious consideration as to the best interests of the student.

While each of the parties may have some responsibility for the dual relationship, the teacher or authority figure, as the more powerful party, bears the primary responsibility for the protection of the student through avoiding such relationships or keeping them within appropriate bounds.

#### B. APPROPRIATE DUAL RELATIONSHIPS.

We acknowledge that certain dual relationships may be appropriate as well as unavoidable. For example, the Abbot and the Head of the Zendo are responsible for supervision of the work of the Center's Staff, which constitutes a type of employer/employee relationship. Additionally, casual social relationships on the part of the Abbot or an Instructor with their students are generally natural and healthy, as are casual or close friendships between the Abbot, an Instructor, or the Head of the Zendo and members of the Center who are not their students. Such dual relationships are not prohibited or discouraged.

Close personal friendships between the Abbot or an Instructor and their students may, however, interfere with the teacher/student relationship and should be undertaken with caution and with serious consideration as to the best interests of the student. The Abbot and any Instructor should avoid behavior that could be misconstrued by a student as indicating an exclusive or special relationship.

#### C. SPIRITUAL COUNSELING.

From time to time the Abbot, an Instructor, and/or the Head of the Zendo may appropriately be called upon to provide spiritual counseling to a student. While spiritual counseling may often involve consideration of emotional and psychological issues, it differs from psychotherapy in a number of respects: it is usually more short-term in nature, it does not purport to deal with emotional or psychological issues in as much depth as does psychotherapy, it often deals with the problems of an immediate crisis, the counselor is not necessarily professionally qualified to offer psychotherapy, and no fee is charged for such services.

When longer-term counseling or psychotherapy is needed or the student appears to be in immediate physical or psychological danger because of the acuity of a crisis, the person providing counseling should quickly recommend that the student seek psychotherapy or other appropriate help and, if possible, aid the student in obtaining a referral for such services.

#### D. LIMITATIONS ON CERTAIN DUAL RELATIONSHIPS.

1. **Employment Relations.** We recommended that, except as provided below, the Abbot and any Instructor not, on his or her own behalf (as distinguished from on behalf of the Center), (a) employ or be employed by, (b) provide services for which monetary payment would ordinarily be charged to, or (c) receive or accept such services from, any person so long as such person is a student of the Abbot or Instructor or continues to receive formal instruction (dokusan or daisan) from the Abbot or such Instructor.

While the presumption is that such dual relationships are generally to be avoided, it is acknowledged that there are situations in which it may be helpful to allow a student, at his or her initiative, to express feelings of gratitude to the teacher through dana, or giving.

In any circumstance in which the Abbot or an Instructor believes it may be appropriate to act other than as recommended above, he or she shall seriously consider and act consistent with the best interests of the student, and in the event of doubt shall consult with the Guidance Committee (as described below) (or, in the case of an Instructor, with the Abbot). The Guidance Committee shall take the initiative to consult with and advise the Abbot or an Instructor in connection with any such dual relationship whenever it deems it appropriate to do so.

2. **Psychotherapy.** In the event that the Abbot or an Instructor also acts professionally as a psychotherapist, he or she shall not provide psychotherapeutic services to any person so long as such person is his or her student or from time to time receives formal instruction (dokusan or daisan) from him or her.

3. **Sexual Relations.** The Abbot shall not engage in sexual relations with a person who is or has been his or her student until at least one year after the teacher/student relationship has been terminated. An Instructor shall not engage in sexual relations with any person to whom the Instructor has given formal instruction (dokusan or daisan) until at least one year after the last such formal instruction.

#### E. GUIDANCE COMMITTEE.

Because the variety and possible complexity of dual relationships is so great, this document cannot provide an exhaustive discussion or offer clear guidance covering all cases. Accordingly, the Board shall appoint a Guidance Committee to advise the Abbot, the members, and the Trustees from time to time as issues arise which are not clearly covered by these Guidelines. The members of the Guidance Committee shall consist of at least one Trustee and any other persons that the Board deems appropriate. The number of committee members shall be determined by the Board. It shall meet as requested by the Abbot, any member, the Board, or any of its own members in response to particular issues involving dual relationships. Any Center member who feels that his or her relationship with the Abbot, or Instructor, or the Head of the Zendo may be inappropriate should feel free to consult with the Guidance Committee or any of its members.

If an Instructor or the Head of the Zendo believes that a dual relationship (other than one permitted in these Guidelines) involving himself or herself is consistent with the best interests of the student involved, he or she shall confer with and seek the guidance of the Abbot and shall adhere to the Abbot's recommendation.

If the Abbot believes that a dual relationship (other than one permitted in these Guidelines) involving himself or herself is consistent with the best interests of the student involved, he or she shall consult with and seek the guidance of the Guidance Committee and shall adhere to the recommendation of a majority of its members. The Abbot is encouraged to seek the formal or informal advice of the Guidance Committee and/or one or more of the Trustees, other senior members, and his or her fellow Zen teachers, with respect to any concerns about a potential dual relationship.

### III. SEXUAL HARASSMENT

The Third Precept of Buddhism is, "I resolve not to misuse sexuality, but to be caring and responsible." At the Zen Center, we resolve to maintain an environment in which any form of intolerance, coercion, or harassment, including discrimination on the basis of sex or sexual orientation, has no place. Sexual harassment in any context is reprehensible, and especially so in a religious community in which people are bound by spiritual interdependence and trust. Any insult to the dignity of others is an impediment to spiritual growth and thus a breach of this trust.

Sexual harassment usually occurs when one person has some kind of authority over another. It includes sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. If someone's inappropriate sexual conduct is accompanied by a threat to one's continued involvement with the Center (e.g., maintaining one's membership, going to dokusan or daisan, or attending sesshin), we encourage him or her to bring a grievance against that person (see Section IX, Grievance Procedure). One may also bring a grievance if someone's behavior substantially interferes with his or her spiritual practice, creates an offensive environment, or intimidates him or her in any way.

Sexual harassment of a student by a teacher is a flagrant violation of the basic trust on which the relationship is founded. Harassment can also involve other authority figures such as Trustees, the Business Manager, the Head of the Zendo, the Center's Officers, Affiliate Leaders, or any staff member. Teachers and others in positions of authority must be especially careful to avoid comments that discriminate on the basis of sex or sexual orientation; however, we acknowledge that sometimes they need to discuss matters of sexuality with Sangha members and each other.

An allegation of sexual harassment can be handled either directly by the individuals involved, or through the Abbot or the grievance procedure set forth below. (See Section VIII, Basic Guidelines for Resolving Conflicts and Disagreements, and Section IX, Grievance Procedure, below.)

#### IV. NON-DISCRIMINATION

The Center shall not discriminate in any manner on the basis of race or ethnic or national origin. The Center shall not discriminate unreasonably on the basis of nationality, age, marital status, gender, or sexual orientation. (Please note: Examples of reasonable discriminations include the requirement that only United States citizens and those aliens with proper visas may become regular staff members (i.e., employees) of the Center, and the By-law requirement providing that a Trustee must be at least 18 years old.)

#### V. CONFLICTS OF INTEREST

No Trustee shall derive any personal economic profit or gain, either directly or indirectly, by reason of his or her office. Each Trustee shall disclose to the Board any financial interest that he or she may have in a matter pending before the Board, and shall refrain from participating in any decision regarding such matter unless the Board – acting without the participation of the Trustee in question – determines that the Trustee's interest is sufficiently minimal that his or her participation would not constitute a conflict of interest.

#### VI. FINANCIAL POLICY – PRIVATE BENEFIT PROHIBITED

The assets of the Center shall be used only to advance the purposes of the Center, and shall not otherwise be used for the private benefit of any person. Moreover, no income of the Center shall be used to the advantage of any individual other than as reasonable compensation for services rendered.

#### VII. REPENTANCE CEREMONY

These Ethical Guidelines address the informal resolution of conflicts and provide formal procedures for responding to complaints of ethical violations. (See Sections VIII and IX, below.) The Repentance Ceremony serves a complementary and no less important function: to offer an opportunity for the person who has transgressed to atone and to help repair the bonds between himself or herself and the community.

The act of repentance can be extremely purifying and cleansing. Since the time of Shakyamuni himself, the repentance ceremony has been an integral aspect of Buddhist training. On an interpersonal level, by openly confessing our shortcomings before each other and then repenting together, our unity and humility are strengthened.

For the ceremony to be effective – for it to cleanse and revivify the individual and the group – there must be mutual love and trust among the participants, a willingness to be open with each other, and strong individual dedication to ego-attrition. If these attitudes are present, the ceremony can be entered into purely and with all one's heart. In this spirit, participants should not afterwards discuss matters brought up during the ceremony.

During the ceremony, no one is required to make a confession. If one has nothing to say when it is his or her turn, one may simply remain silent and make a bow. For those who wish to repent, when one's turn comes, one repents whatever weighs on one *at that time*, causing obstructive feelings or thoughts as a result of one's blind or compulsive deeds. These can be specific actions or more general thought-emotional patterns which one feels the need to be free of.

The confession of each person should be as specific as possible without mentioning names. When referring to another person, it is best to refer to "a member," "a Dharma brother/sister," "a friend," or the like. Finally, following his or her confession, it is helpful for each person to say something expressing the resolve to change.

## VIII. BASIC GUIDELINES FOR RESOLVING CONFLICTS AND DISAGREEMENTS

### A. INTRODUCTION

We wish our life within the Sangha to express our practice as followers of the Buddha Way. As our practice is our heartfelt response to suffering, turning away from suffering through silence, rationalization, assigning blame, minimizing, feeling self-deprecating guilt, or not attending seriously to its causes and conditions are all steps directed away from the Buddhist path itself. Avoidance often acts as a condition for additional suffering.

Accordingly, when a conflict, grievance, dissonance, or violation of the precepts arises in an interpersonal relationship, it is essential to attend to it fully. Personally, this involves waking up to our own contribution to the suffering in these situations through understanding our reactions, emotions, and attachments. Interpersonally, this involves taking the time to discuss the conflict with the other parties involved in an attempt to clarify the actual causes, conditions, feelings, and responses that come together in the situation.

What follows are guidelines for resolving conflicts and transgressions within our Sangha. We intend them to assist in promoting forgiveness and reconciliation with oneself and with others. Whenever possible, disputes should be resolved informally and directly between the people involved.

We recognize that for certain conflicts informal resolution may not be possible. Accordingly, we also offer a formal grievance procedure for such situations. These formal procedures can be used to address perceived misconduct toward Sangha members. (See Section IX, Grievance Procedure, below.)

### B. GUIDELINES

Although no fixed procedures are mandated for informal conflict resolution, the suggestions that follow are intended to give all persons involved in a dispute a chance to be fully heard in an environment of respect and kindness – one that flows from knowing that there is no fundamental difference between us.

1. *Stating the Actual.* A crucial aspect of conflict resolution, as of Buddhist practice itself, is discriminating between our interpretations and opinions of an event and how the event was or is personally experienced. In part, this means not making general statements but rather sticking to the particulars of the actual situation and the emotions experienced. It is extremely difficult to achieve mutual understanding when discussion remains at the level of interpretation and generalization.
2. *Being Heard.* It is important that everyone involved be given an opportunity to be fully heard. This means that all participants be given a chance to recount how they remember the history of a conflict, to state their feelings regarding the conflict, and to explain the goals they have for its resolution. Such statements should be neither defensive nor critical, since both stances tend to preclude deeper mutual understanding. Much conflict arises and is perpetuated through a lack of mutual understanding. Taking calm, deliberate, and adequate time to listen to each other is often all that is needed for the process of reconciliation to begin.
3. *Restating what was Heard.* To insure that everyone understands one another, it is useful for each party to briefly restate what the other has said, highlighting the main points. The other party then says whether he or she believes the restatement is complete and accurate, and makes any appropriate corrections.
4. *Acknowledgment.* Resolution and reconciliation are greatly facilitated if each party involved reflects on how he or she may have contributed to the conflict and then describes this to the other party. Even when one person is primarily responsible, self-reflection, acknowledgment, and apology on everyone's part can provide a safer, more trusting, and more understanding environment for everyone to be truthful. (Please see Section VII, Repentance Ceremony, above.)
5. *Facilitation.* It is often useful to invite one or more neutral witnesses or mediators to take part in a session of conflict resolution. Such a person may simply be a silent witness providing a sense of calm and presence or may be an active mediator who helps ensure that each person is given uninterrupted opportunities to speak. This person may also point out the difference between statements of opinion and interpretation and direct statements of how an event or feeling was or is actually experienced. Invited facilitators can be anyone whom both parties respect; e.g., friends, neutral acquaintances, Center teachers or other members, members of the Center's Grievance Committee, or people from within or outside the Center who are trained in mediation.
6. *Seeking Advice.* In addition to or instead of inviting a facilitator to participate, it can be useful to seek advice from others for working informally to resolve a conflict. Such advice can come from friends, teachers, Grievance Committee members and others.

## IX. GRIEVANCE PROCEDURE

### A. INTRODUCTION

This procedure applies to grievances against an Abbot or Acting Abbot, an Instructor, a Trustee or Alternate Trustee, an Officer or Assistant Officer, a Head of the Zendo, or an Affiliate Leader concerning an ethical violation or violations. The Board of Trustees shall, by a majority vote of the entire Board, designate a standing Grievance Committee consisting of three Trustees. The Grievance Committee shall serve at the pleasure of the Board. The alternate members of the Grievance Committee shall be the other three Trustees, any of whom may be designated by the Chairman of the Board to serve in the place of a Committee member who is disqualified or otherwise unable to serve. A quorum of the Committee shall consist of two members.

### B. COMPLAINT; ACTION BY GRIEVANCE COMMITTEE

Any member may submit a written complaint directly to the Grievance Committee or through the Board of Trustees or any individual Trustee. The Committee shall afford the complainant and the person complained of the opportunity to meet with the Committee. The Committee may also consider such additional evidence and conduct such additional investigation as it deems warranted under the circumstances.

The Committee may dismiss the complaint without further action if it determines either (1) that there is insufficient evidence of the truth of the allegations to warrant the complaint's referral to the full Board of Trustees for consideration, or (2) that even if the allegations in the complaint were true, no sanction against the person complained of would be appropriate. Otherwise, the Committee shall refer the complaint to the Board without determining its merits.

### C. ACTION BY BOARD OF TRUSTEES

Upon the Grievance Committee's referral of a complaint to the Board of Trustees, or upon the Board's determination to consider a complaint as set forth below, the Board shall meet to consider the complaint. The complainant and the person complained of shall have the opportunity to meet with the Board. The Board may also consider such additional evidence and conduct such additional investigation as it deems warranted under the circumstances.

The Board shall then determine the merits of the complaint. If the Board finds that a complaint has merit and that sanctions against the person complained of are appropriate, the Board shall have the authority to impose the following sanctions: (1) private reprimand; (2) public reprimand or censure; (3) suspension from duties of office for up to one year; or (4) (a) in the case of a person other than the Abbot or the Trustee or Alternate Trustee elected by the Abbot, removal from office, (b) in the case of the Trustee or Alternate Trustee elected by the Abbot, recommendation that the Abbot remove such Trustee or Alternate Trustee from office, or (c) in the case of the Abbot, (i) recommendation that a corporate meeting of the Members remove the Abbot from office

and (ii) suspension of the Abbot from office pending a vote of the Members regarding removal.

The affirmative vote of four of the six Trustees shall be required to suspend or remove a person from office, or to put the question of removing the Abbot from Office to a vote of the Members at a corporate meeting. The Board may also consider a complaint either (1) without preliminary action by the Grievance Committee or (2) despite the Grievance Committee's prior dismissal of the complaint. In addition, the Board may, on its own motion, investigate the conduct of any person and act without the submission of a complaint.

Nothing contained in this procedure shall limit the authority of the Board to remove an Officer, Assistant Officer, Acting Abbot or Trustee or the authority of the Abbot to remove the Trustee or Alternative Trustee elected by the Abbot, an Affiliate Leader, the Head of the Zendo, or an Instructor as provided in the Center's By-laws.

#### D. DISQUALIFICATION FOR INTEREST

No Trustee shall participate, as a member of the Grievance Committee or as a member of the full Board of Trustees, in a proceeding under this grievance procedure if (1) such Trustee is the complainant or the person complained of, (2) if the Trustee's personal relationship with the complainant or the person complained of would significantly affect the Trustee's judgment regarding the matter, or (3) if for any other reason the Trustee would not be able to render an impartial judgment regarding the matter.

A Trustee shall disqualify himself or herself if the provisions of the preceding sentence apply to him or her. Likewise the Board, acting without the participation of the Trustee in question, shall have the right to determine whether a Trustee is qualified to participate in a grievance proceeding. However, the provisions of this paragraph shall not apply if their application would result in there being an insufficient number of Trustees qualified to act under this grievance procedure.

#### NOTES

Most of the material in these Ethical Guidelines was adapted from other sources.

Section I, The Buddhist Precepts, was closely adapted from a statement developed by San Francisco Zen Center. This statement has been published both by San Francisco Zen Center and in a brochure entitled *Safe Harbor: Guidelines, Process and Resources for Ethics and Right Conduct in Buddhist Communities*, edited by Alan Senauke with Teresa Lesko, and published by Buddhist Peace Fellowship. We are very grateful to both San Francisco Zen Center and Buddhist Peace Fellowship for having made this material available.

Section III is derived from the Center's Sexual Harassment Policy Statement, adopted by the Board of Trustees.

The material in Sections II, Dual Relationships, IV, Non-Discrimination, V, Conflicts of Interest and VI, Financial Policy – Private Benefit Prohibited were adapted from the Center’s By-laws (respectively, Section II from By-laws Article XIII; Section IV from Article VIII; Section V from Article III.G; and Section VI from Article XI.A). As the By-laws are the formal governing instrument of the Center, they will prevail in the event of any conflict between their text and that of these Guidelines.

In Section VIII, Basic Guidelines for Conflict Resolution and Grievance Procedures, we again borrowed (with minor adaptations) from San Francisco Zen Center. This material was also published by Buddhist Peace Fellowship in its *Safe Harbor* brochure. As above, our heartfelt thanks to San Francisco Zen Center and Buddhist Peace Fellowship.

Section IX, Grievance Procedure, is adapted from the Center’s By-laws, Article X. As noted above, in the event of any discrepancy, the By-laws will govern.

A number of terms in these Ethical Guidelines are capitalized. Some, such as Buddha, Dharma, and Sangha, have meanings commonly understood among Center members. Most others are defined in the Center’s By-laws, including the following:

The *Abbot* shall mean the spiritual director of the Center.

The *Board of Trustees*, or the *Board*, is the Center’s governing body. It sets administrative policy for the Center and ensures that the Center is administered in a fiscally responsible manner that effectively furthers the Center’s stated purposes. The Board is currently composed of six (6) Trustees.

The *Officers* of the Center are responsible for its day-to-day administration and functioning. The Officers consist of a President, a Vice President, a Secretary, and a Treasurer.

The *Head of the Zendo* is appointed by the Abbot and serves as the Abbot’s principal assistant for spiritual affairs.

*Instructors* are appointed by the Abbot and shall have such teaching and other duties relating to the Center’s spiritual affairs as the Abbot may specify.

An *Affiliate Leader* is the spiritual leader of an affiliate group of the Center. The Affiliate Leaders are appointed by the Abbot and serve at the Abbot’s pleasure.