

Rochester Zen Center Ethical Guidelines

*As adopted by the Center's Board of Trustees at its meeting on May 11 and 12, 2002;
as amended by the Board at its meeting on November 16 and 17, 2002;
as amended by unanimous written consent of the Board, effective January 14, 2012;
and as amended by unanimous written consent of the Board, effective February 29, 2012*

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.

—Roshi 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, the Zen Center's Trustees, aided by the Center's Ethics and Advisory Committee and its predecessors, have worked to articulate ethical guidelines for the Sangha – guidelines that we hope will help create a supportive, harmonious, and safe environment. This process began with a review of the sixteen Buddhist precepts and consideration of 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.

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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.

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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 not misuse their authority as a way to obtain special privileges, or otherwise seek to 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 under the legal age of consent. Full responsibility for avoiding such relationships lies with the adult.

Second, it is a misuse of authority, responsibility and sexuality for a Center Teacher to engage in sexual behavior with his or her student. Similarly, certain other sexual relationships involving a Teacher, Instructor, Priest, Head of Zendo, Affiliate Leader, or Zen Center staff member or resident create such a risk of harm that they constitute a potential such misuse.

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

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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, anyone who has been a member of the Center longer than six months should act with special consideration before forming a physically intimate relationship with another person during the first six months of his or her membership, and no Instructor (including Group Instructor), Priest, Head of Zendo, resident or staff member shall form such a relationship with a new member during such period.

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.

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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 any position within the Center nor the resources of 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 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 and resolve the difficulty.

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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 are the working of Buddha Nature and re-affirm 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

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any Instructor should avoid behavior that would be construed by a reasonable person 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 consistently with the best interests of the student, and in the event of doubt shall consult with the Ethics and Advisory Committee (as described below) (or, in the case of an Instructor, with the Abbot). The Ethics and Advisory 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.* Because of the inherent disparity in power between a Zen Teacher and his or her students, it is irresponsible and a misuse of authority for a Teacher to engage in sexual behavior with a student. Instructors (including group instructors), Heads of Zendo, Priests and Affiliate Leaders are all held to a high standard of behavior with respect to their relationships

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with Sangha members and members of their affiliate groups, respectively. In particular, certain sexual relationships involving Teachers, Instructors, Priests, Heads of Zendo, Affiliate Leaders, or Zen Center staff members or residents create such a risk of harm that they are prohibited; other such sexual relationships create a sufficient risk of harm that approval of the Abbot, the Ethics and Advisory Committee, or the Board of Trustees must be sought. The appended document entitled "Rochester Zen Center Standards for Sexual Conduct," which is incorporated into these Ethical Guidelines and made a part hereof, sets forth the prohibitions and restrictions regarding sexual relationships involving the persons listed above. Violations of the Standards for Sexual Conduct will be dealt with by the Abbot, the Ethics and Advisory Committee, or the Board of Trustees, as provided in the Center's By-laws. Because sexual relationships between two persons, both of whom are residents or staff members, have the potential to disrupt staff harmony and interfere with a proper training atmosphere, such relationships are at all times subject to the approval of the Abbot.

E. ETHICS AND ADVISORY 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 Center's By-laws provide that the Board shall appoint an Ethics and Advisory 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 Committee shall consist of at least four (4) members with an equal number of men and women, including at least one Trustee, one Center Member who lives more than fifty (50) miles from Rochester, New York, and such other Center Members as the Board deems appropriate. It shall meet as requested by the Abbot, the Board, or any of its own members in response to matters within its jurisdiction. Any Center member who feels that his or her relationship with the Abbot, an Instructor, Priest, Head of Zendo, Affiliate Leader, or Zen Center staff member or resident may be inappropriate should feel free to consult with the Ethics and Advisory Committee or any of its members.

If the appropriateness of an existing or potential dual relationship involving an Instructor, Priest, Head of Zendo, Affiliate Leader, or Zen Center staff member or resident might reasonably be questioned, that person is encouraged to consult with and seek the advice of the Abbot. If the appropriateness of an existing or potential dual relationship involving the Abbot or other Center Teacher might reasonably be questioned, he or she is encouraged to consult with and seek the formal or informal advice of the Ethics and Advisory Committee, one or more of the Trustees, other senior Members, and his or her fellow Zen Teachers, as may be appropriate. In addition, if the Abbot has any concerns regarding the appropriateness of a dual relationship that involves himself or herself, another Center Teacher, an Instructor, Priest, Head of Zendo, Affiliate Leader, or a Zen Center staff member or resident, the Abbot is likewise encouraged to seek such consultation and advice.

(Also see Section IX(A), Jurisdiction and Functions of Ethics and Advisory Committee, below.)

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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, Procedure for Raising Concerns and Making Complaints). One may also make a complaint 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, Instructors, Priests, the Head of 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 complaint procedure set forth below. (See Section VIII, Basic Guidelines for Resolving Conflicts and Disagreements, and Section IX, Procedure for Raising Concerns and Making Complaints, 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, disability, 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

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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 trust and respect 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.

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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, Procedure for Raising Concerns and Making Complaints, 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

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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 Ethics and Advisory 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, Ethics and Advisory Committee members and others.

IX. CONCERNS AND COMPLAINTS

A. JURISDICTION AND FUNCTIONS OF ETHICS AND ADVISORY COMMITTEE

The Committee shall (1) consider complaints against an Abbot or Acting Abbot, an Instructor ("Instructor" means any person authorized to perform spiritual teaching functions, including the giving of dokusan, daisan, or group instruction), a Priest, a Novice preparing for ordination as a Priest (hereinafter "Novice"), a Trustee or Alternate Trustee, an Officer or Assistant Officer, a Head of Zendo, a Business Manager, or an Affiliate Leader; (2) consider concerns and complaints regarding ethical or other material issues involving the operation of the Center; (3) give advice and make determinations regarding dual relationships as addressed in Section II, supra; and (4) from time to time review and, to the extent it deems appropriate, propose to the Board changes to these Ethical Guidelines and Ethical Standards. The Ethics and Advisory Committee shall meet as requested by the Abbot, the Board, or any of its own members in response to matters within its jurisdiction.

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B. PROCEDURE FOR RAISING CONCERNS AND MAKING COMPLAINTS

A Member with a concern or complaint is ordinarily expected first to raise the matter with an appropriate person in authority, such as the Abbot, the Head of Zendo, the Chairman of the Board, the Business Manager, or a Corporate Officer, before approaching the Ethics and Advisory Committee or the Board of Trustees. For example, concerns or complaints about a Priest would ordinarily first be discussed with the Abbot or Head of Zendo, concerns about the Center's finances would ordinarily first be discussed with the Business Manager or Treasurer, and concerns about a Trustee or corporate Officer would ordinarily first be discussed with the Chairman of the Board. A Member with a concern or complaint may also discuss the matter informally with a member of the Ethics and Advisory Committee or with a Trustee. If such initial discussions either do not resolve the matter or would not, in the view of the Member raising the concern or complaint, be appropriate, the Member may submit a statement of concern or a complaint to the Committee. Moreover, if a Member believes that a concern or complaint could most effectively be addressed by raising the matter directly with the Board of Trustees, he or she may do so. If the matter is initially raised with the Board of Trustees, the Board may, in its discretion, either refer the matter to the Ethics and Advisory Committee for consideration or may consider the matter itself without preliminary action by the Committee. If the matter constitutes a complaint described in Section A(1), supra, the procedures set forth in Section C, infra, shall apply. The procedures set forth in Section D, infra, shall apply to other concerns and complaints, as described in Section A(2), supra.

C. CONSIDERATION OF COMPLAINTS AGAINST PERSONS SPECIFIED IN SECTION A(1), SUPRA

1. *Applicability.* The procedures specified in this Section C shall apply to complaints against specified persons, as described in Section A(1), supra.

2. *Action by Ethics and Advisory Committee.* 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 (a) that there is insufficient evidence of the truth of the allegations in the complaint to warrant its referral to the full Board of Trustees for consideration pursuant to Section C(3), infra, or (b) that even accepting as true the allegations in the complaint, no sanction against the person complained of would be appropriate. Otherwise, the Committee shall refer the complaint to the Board, together with its findings and any recommendations, without determining its merits.

3. *Action by Board of Trustees.* Upon referral of a complaint to the Board of Trustees by the Ethics and Advisory Committee pursuant to Section C(2), supra, or upon the Board's determination to consider a complaint pursuant to Section B, supra, or this paragraph, the Board shall meet to consider the complaint. The complainant and the person complained of shall be afforded 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

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appropriate, the Board shall have the authority to impose the following sanctions: (a) private reprimand; (b) public reprimand or censure; (c) suspension from duties or office for up to one year; or (d)(i) in the case of a person other than the Abbot, the Trustee or Alternate Trustee elected by the Abbot, a Priest or a Novice, removal from office, (ii) in the case of the Trustee or Alternate Trustee elected by the Abbot, a Priest or a Novice, recommendation that the Abbot remove such Trustee, Alternate Trustee, Priest or Novice from office, or (iii) in the case of the Abbot, (A) recommendation that a corporate meeting of Members remove the Abbot from office pursuant to Article II(D) of the Center's By-laws and (B) suspension of the Abbot from office pursuant to that Article pending a vote of the Members regarding removal. (Under the Center's By-laws, the affirmative vote of four of the six Trustees is 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.) Notwithstanding any provisions of this Section to the contrary, the Board may consider a complaint either (a) without preliminary action by the Ethics and Advisory Committee pursuant to Section C(2), supra, or (b) despite the Committee's prior dismissal of the complaint pursuant to Section C(2), supra. In addition, the Board may, on its own motion, investigate the conduct of any person to whom this Section applies and act pursuant to this paragraph without the submission of a complaint. Nothing contained in this Section shall limit the authority of the Board to remove an Officer, Assistant Officer, Acting Abbot, Business Manager, or Trustee pursuant to any provision of the Center's By-laws or the authority of the Abbot to remove the Trustee or Alternate Trustee elected by the Abbot, an Affiliate Leader, Head of Zendo, Instructor, Priest or Novice pursuant to any provision of the Center's By-laws.

4. Disqualification for Interest. No person shall participate, as a member of the Ethics and Advisory Committee or as a member of the Board of Trustees, in a proceeding under this Section if (1) such person is the complainant or the individual complained of, (2) if the person's personal relationship with the complainant or the individual complained of would significantly affect the person's judgment regarding the matter, or (3) if for any other reason the person would not be able to render an impartial judgment regarding the matter. A person shall disqualify himself or herself if the provisions of the preceding sentence apply; provided that the Board (acting without the participation of the person in question, if that person is a Trustee), shall have the right to determine whether the person is qualified to participate in a proceeding under this Section. However, the provisions of this paragraph shall not apply if such application would result in there being an insufficient number of Trustees qualified to act under this Section.

D. CONSIDERATION OF OTHER CONCERNS AND COMPLAINTS UNDER SECTION A(2), SUPRA

In the case of concerns and complaints raised under Section A(2), supra, the Ethics and Advisory Committee may consider such evidence and conduct such investigation as it considers warranted under the circumstances, including meeting with the person raising the concern or complaint. After considering the concern or complaint, the Committee may, as it finds warranted, refer the matter to the Board of Trustees or to an appropriate person in authority, with or without recommendations. If the person raising the concern or complaint is not satisfied by the resolution of the matter or believes that raising the matter with the Committee

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would not be appropriate, he or she may raise the matter with the Board of Trustees, which may take such action as it considers appropriate. In any event, the Board may, in its discretion, consider a matter either (1) without preliminary action by the Ethics and Advisory Committee or (2) despite the Committee's prior determination that no further action is warranted.

E. MATTERS INVOLVING POTENTIAL LEGAL LIABILITY

Notwithstanding anything to the contrary in this Section, the Ethics and Advisory Committee, any member thereof, any Trustee, Officer, resident or staff member, and any Member of the Center shall promptly notify the Abbot, the Head of Zendo and the Board of Trustees of any allegation which comes to its, his or her attention and which carries the potential of legal liability on the part of the Center, including allegations involving unlawful activity, sexual harassment, financial impropriety, or discrimination based on race, gender, ethnic or national origin, age, disability, or sexual orientation.

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 the Buddhist Peace Fellowship. We are very grateful to both the San Francisco Zen Center and the 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) was adapted from the Center's By-laws (respectively, Section II from By-laws Articles X(A) and XI; Section IV from Article VIII; Section V from Article III(G); and Section VI from Article XII(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 the San Francisco Zen Center. This material was also published by the Buddhist Peace Fellowship in its *Safe Harbor* brochure. As above, our heartfelt thanks to the San Francisco Zen Center and the Buddhist Peace Fellowship.

Section IX (Concerns and Complaints) is adapted from the Center's By-laws, Article X. As noted above, in the event of any discrepancy, the By-laws will govern.

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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* is the spiritual director of the Center. (See By-laws, Article II.)
- The *Board of Trustees*, or the *Board*, is the Center's governing body for non-spiritual matters. 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 comprises six Trustees, three elected by the Sangha, two elected by the Board, and one appointed by the Abbot. (See By-laws, Article III.)
- The *Officers* of the Center consist of a President, a Vice President, a Secretary, and a Treasurer elected by the Board of Trustees. Among the Officers' duties is attending the meetings of the Board in order to provide information and advice to the Trustees (See By-laws, Article IV.)
- The Board of Trustees appoints a *Business Manager*, who reports to the Board and administers the day-to-day financial affairs of the Center under the Board's direction with the oversight of the Treasurer. (See By-laws, Article III(A)(3).)
- The *Head of the Zendo* is appointed by the Abbot and serves as the Abbot's principal assistant for spiritual affairs. If the Abbot is absent and has not left instructions indicating otherwise, the Head of Zendo directs the spiritual affairs of the Center. (See By-laws, Article II(A).)
- *Instructors* are appointed by the Abbot, and each has such teaching and other duties relating to the Center's spiritual affairs as the Abbot may specify. More generally, under the Center's By-laws, the term "Instructor" means any person authorized to perform spiritual teaching functions, including the giving of dokusan, daisan, or group instruction. (See By-laws, Article II(A).) Accordingly, the term "Instructor," when used in the By-laws or these Ethical Guidelines, includes Teachers (see below).
- An *Affiliate Leader* is the spiritual leader of an affiliate group of the Center. (Affiliate groups are designated as such by the Center's Board of Trustees upon the recommendation of the Abbot.) The Affiliate Leaders are appointed by the Abbot and serve at the Abbot's pleasure. (See By-laws, Article IX).

Two other important terms used in these Ethical Guidelines are *Zen Teacher* and *Zen Priest*:

- A *Teacher* is an Instructor (see above) whose own Teacher has sanctioned him or her as being fully qualified to accept formal students, give dokusan and teisho, lead sesshin, and serve as the spiritual leader of a Zen center or temple. A Teacher may or may not be an ordained Priest (see below) as well. In the Rochester Zen Center lineage, once an ordained Priest has successfully served as a sanctioned Teacher for a period of time, the final step in

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the sanctioning process may take place, wherein the new Teacher receives Dharma Transmission (Japanese: *inka*) from his or her own Teacher, thereby becoming a Dharma-heir of that Teacher. Once an ordained Teacher has received Dharma Transmission, he or she is authorized to sanction new Teachers himself or herself.

- In the Rochester Zen Center lineage, a *Priest* is an ordained cleric who has made a lifetime vocational commitment to work in direct support of the Buddhadharma, generally by serving as a staff member at a Zen center or temple. A Priest may or may not be an Instructor or Teacher (see above) as well. Priests may be ordained only by Teachers who are themselves ordained Priests.

Rochester Zen Center Standards for Sexual Conduct

| Who | What | Approval process |
|--|--|---|
| All Sangha members | Those who have been members for more than 6 months should act with “special consideration” before forming a sexual relationship with anyone who has been a member less than 6 months. | Not applicable |
| Instructors, priests, Heads of Zendo, residents, and staff members | May not form a sexual relationship with anyone who has been a member less than 6 months. | Not applicable: prohibited. |
| Residents and staff members | May not form a sexual relationship with another resident or staff member unless approval is obtained. | Must consult with and obtain approval of the Abbot. |
| Abbots and other RZC teachers | May not form a sexual relationship (a) with anyone to whom he or she has given dokusan, (b) with any current member, or (c) with anyone who has been a member within the past year. | Not applicable: prohibited. |
| Abbots and other RZC teachers | May not form a sexual relationship with any former member to whom he or she has <i>not</i> given dokusan unless (a) one year has passed since termination of the person’s membership and (b) approval is obtained. | Must consult with and obtain approval of the Ethics and Advisory Committee. May appeal non-approval by the Committee to the Board of Trustees. |
| Instructor | May not form a sexual relationship with any member or former member to whom he or she has given daisan unless approval is obtained. | Must consult with and obtain approval of both the Abbot and the Ethics and Advisory Committee. May appeal non-approval by the Committee to the Board of Trustees. |
| Head of Zendo | May not form a sexual relationship with any member unless approval is obtained. | Must consult with and obtain approval of both the Abbot and the Ethics and Advisory Committee. May appeal non-approval by the Committee to the Board of Trustees. |
| Priest | May not form a sexual relationship with any member unless approval is obtained. | Must consult with and obtain approval of the Abbot, who shall consult with the Ethics and Advisory Committee in making his or her decision. However, even if the Abbot gives approval, the relationship is not permitted if the Committee is unanimously opposed. In such a case, non-approval by the Committee may be appealed to the Board of Trustees. |
| Affiliate group leader | May not form a sexual relationship with any member of his or her group unless approval is obtained. | Must consult with and obtain approval of both the Abbot and the affiliate group’s Board of Trustees. |

Notes: (1) Under Article II(A) of the Center’s By-laws, “the term ‘Instructor’ shall mean any person authorized to perform spiritual teaching functions, including the giving of dokusan, daisan, or group instruction.” (2) For purposes of these Standards, “Member” means a full member, a person in the pre-membership trial period, or a Friend of the Center. (3) These Standards apply to sexual relationships first begun or first made known to an approving authority after October 23, 2011. (4) Sexual relationships formed before one becomes an Instructor, Priest, Head of Zendo, Affiliate group leader, resident, or staff member are not subject to the restrictions set forth in these Standards.