

Ethical Guidelines, Grievance Policy and Reconciliation Process for Zen DownEast

Purpose

Zen DownEast (“ZDE”) establishes the following Ethical Guidelines and Grievance Policy to help ensure a healthy, supportive environment for ZDE practice. ZDE is committed to sustaining a healthy spiritual community where diversity of opinion and expression is respected, the dignity and integrity of community members is protected, conflicts are addressed appropriately and respectfully, and ongoing learning about interpersonal relationships is encouraged. Toward these ends, The Three Pure Precepts and the Ten Grave Precepts of the Soto Zen tradition are ZDE’s fundamental guidelines for ethical behavior. If a member or visiting student or teacher wishes to complain about a breach of these ethical guidelines, they should promptly report a grievance pursuant to the procedures set forth in this policy statement.

Three Pure Precepts

Not knowing, thereby giving up fixed ideas about myself and the universe, I vow to cease from evil.

Bearing witness to the joy and suffering of the world, I vow to practice good.

Honoring wholeness in myself and others, I vow to save all beings.

Ten Grave Precepts

1. Recognizing that I am not separate from all that is, I vow to take up the Way of Not Killing.
2. Being satisfied with what I have, I vow to take up the Way of Not Stealing.
3. Honoring mutuality and respecting commitment, I vow to take up the Way of Not Misusing Sex.

4. Listening and speaking from the heart, I vow to take up the Way of Not Speaking Falsely.
5. Cultivating a mind that sees clearly, I vow to take up the Way of Not Intoxicating Mind and Body.
6. Unconditionally accepting what each moment has to offer, I vow to take up the Way of Not Finding Fault with Others.
7. Meeting others on equal ground, I vow to take up the Way of Not Elevating Myself at the Expense of Others.
8. Using all the ingredients of my life, I vow to take up the Way of Not Sparing the Dharma Assets.
9. Transforming suffering into wisdom, I vow to take up the Way of Not Harboring Ill Will.
10. Honoring my life as an instrument of the Great Way, I vow to take up the Way of Not Defaming the Three Treasures.

Responsibility of Members of ZDE

Each member of ZDE is a caretaker of the sangha's well-being. We share responsibility for maintaining an environment of integrity and dignity. This involves refraining from behaviors that harm other sangha members or the sangha as a whole, and engaging in behaviors that promote respect and well-being. In the event that any questions or issues arise concerning possible ethical violations within the sangha, it is also the responsibility of each sangha member to listen deeply, to be open-minded, and to exhibit compassion and wisdom.

Each member of ZDE has a responsibility to take action to protect the sangha from conduct which violates the precepts. If a sangha member is aware of conduct that they

believe is of significant harm to an individual or to the sangha as a whole, it is important that they express those concerns appropriately (using the grievance procedure if necessary), rather than remaining silent. Similarly, if a member has personally experienced misconduct by anyone in a position of trust (teachers, priests, directors, officers), that member has the responsibility to report the misconduct immediately as called for in the grievance procedures. If no report is made, ZDE cannot respond appropriately to address the issue.

Special Obligations of Individuals in Positions of Trust

The ZDE sangha expresses its special trust in certain individuals by placing them in the positions of teachers, priests, directors, and officers. All teachers, priests, directors and others in positions of leadership have committed to practice right conduct in their relationships, to refrain from becoming sexually involved with students, and to maintain confidentiality about all personal matters. Exploiting relationships, harming others, or abusing influence breaches this trust. Examples of misconduct include, but are not limited to, physical violence, misappropriation of community funds, breach of confidences, sexual harassment, and sexual relations between a teacher and student. Misconduct by those in positions of trust can significantly undermine the integrity of the community.

Members of the ZDE board of directors are also subject to fiduciary duties under state law pursuant to which they obligate themselves to act solely in the interest of the community with respect to their actions on behalf of ZDE and further assume a duty to act in good faith and with care, candor, and loyalty in fulfilling their duties.

Drugs, Alcohol and Substance Abuse

ZDE does not allow any type of illegal or intoxicating drug use, possession, or sale on premises used by ZDE, or consumption of alcohol unless served at an officially sponsored event.

Teachers and Sexual Relationships

Teachers of ZDE agree to avoid creating harm through sexuality and to avoid sexual involvement outside of committed relationships. They also agree to avoid such involvement with a person who has made vows to another. Teachers in committed relationships will honor their vows and refrain from adultery. All teachers agree not to exploit their authority and position in order to assume a sexual relationship with another.

A teacher at ZDE is anyone involved in an instructional capacity. This includes ordained priests and those giving zazen instruction, teaching workshops, and leading study groups, retreats or sesshins. We acknowledge two types of student teacher relationships: (1) formal shoken student-teacher relationships exist where student and teacher have committed to work together over an extended period of time; and (2) an implied student-teacher relationship exists between any teacher and any participant in an event the teacher is helping to lead. In the case of any transmitted ZDE teacher, an implied student-teacher relationship exists with any participant in a ZDE event and with anyone the transmitted teacher has met in connection with their role at ZDE. All student/teacher relationships should be based on mutual respect, compassion, and kindness. We acknowledge the inequality inherent in any such a relationship and the power issues involved.

We specifically acknowledge the great harm, both psychological and spiritual, that results from teachers becoming sexually involved with their students, both for the teacher and student involved and for the community as a whole. We, therefore, consider it unethical for a teacher to engage in sexual behavior with their student.

Because several single teachers in the wider Buddhist community have developed healthy partnerships and marriages with former students, we acknowledge that such relationships can be possible, but also that great care and sensitivity are needed. During retreats or any type of teaching, any intimation of future student-teacher romantic or sexual relationship is inappropriate. The two types of student-teacher

relationships (formal and implied) vary in intensity and degree of commitment, but in each case, the following five steps must be taken before a relationship between teacher and former student might be considered appropriate.

1. End all teaching activities between the two people.
2. Clearly communicate one to the other that the student-teacher relationship has ended and that a relationship of equals is desired.
3. One or both people meet with the transmitted teacher, communicate the intention and discuss how the relationship might proceed without harm to either person or the community. If the relationship involves the transmitted teacher, the transmitted teacher shall meet with the board of directors for the same discussion.
4. Inform the ZDE members that this particular student-teacher relationship has ended and that a relationship of equals is desired.
5. After the above steps have been accomplished, a waiting period must elapse before any sexual or romantic relationship begins. In the case of an implied student-teacher relationship, the waiting period shall be six months. In the case of a formal relationship between teacher and student, the waiting period shall be one year.

Other Sexual Relationships

ZDE supports healthy sexual relationships between committed partners. We acknowledge that such relationships may form in spiritual communities, but also that a great degree of care and openness is required to avoid harm.

Sexual harassment is a matter of particular concern to a religious community in which students and teachers are connected by strong bonds of spiritual interdependence and trust. Everyone who participates in ZDE in any capacity has the right to be free from sexual harassment. Sexual harassment can consist of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature which

is unwelcome. Continued expression of sexual interest directed at another sangha member or visitor to a ZDE program or other offering, after being informed that such interest is unwelcome, or in a manner that is offensive, is a misuse of sexuality. The expression of sexual or romantic interest toward participants new to ZDE or to Zen practice may be particularly problematic and is inconsistent with ZDE's intent to maintain a supportive and welcoming environment.

What to do if you experience sexual harassment at ZDE:

If you feel comfortable in doing so, you should tell the person responsible for the behavior that their actions are unwelcome and request that the behavior stop. If you do not feel comfortable in making such a request, or if you make the request and the behavior of the offending person does not stop, you should report the behavior as a grievance according to the instructions set forth in this policy. Or, if you prefer, you are also welcome to speak to the transmitted teacher, a guest teacher, or a senior student about the harassing behavior to help you work through a strategy for speaking directly with the person involved.

Confidentiality

ZDE students should feel that they can fully explore the dharma in an environment of trust. ZDE transmitted teachers, visiting teachers and senior students shall not disclose information that they receive in dokusan. There are two areas of exception:

1) In certain circumstances, clergy in Maine are legally bound to report neglect, abuse or exploitation of a child or an incapacitated or dependent adult (Maine Rev. Stat. Tit. 22, §§ 3477 and 4011-A).

3) A ZDE transmitted teacher, visiting teacher or senior student authorized to offer dokuan will sometimes consult with each other on matters of dharma interpretation and guidance. In addition, such teachers may consult with each other, more senior Zen

teachers, psychologists or mentors regarding students, especially if it would help to get another perspective. In this case, the identity of the student is protected if possible.

Whether or not a student with a grievance keeps personal information shared private or not is up to the student. Information shared by the aggrieved student, or a teacher or senior student consulted, may be disclosed at the aggrieved student's discretion.

Students should also be mindful of the manner in which they treat information shared between themselves and a teacher in dōkusan. This information should not be disclosed to others casually. Acting mindfully, a student may disclose such information to a family member or a close friend. Casual disclosures by the student undermine the confidential nature of the student-teacher relationship. They may also compromise the authenticity of practice. Carelessly shared information can be confusing. ZDE practice involves discussions in class and smaller groups. Sensitive or personal information may be shared in these discussions. Students and teachers should respect this and refrain from talking about these discussions outside of the group in question in a manner that could disclose personal information.

The confidential relationship between student and teacher must never become a means for imposing silence in situations where harm is being done. Should such a harmful situation arise, the student should feel free to speak to the appropriate individual – either to the teacher directly, if possible, to a sangha friend, and/or to the Ethics and Reconciliation Council.

Non-Discrimination Policy

ZDE is committed to promoting and maintaining an open and diverse community. Any disrespectful, discriminatory, or preferential treatment of others on the basis of race, gender, sexual orientation, gender identity, marital status, age, disability, income, ethnicity, or national origin is a violation of the ZDE ethical guidelines.

Ethics and Reconciliation Committee

The Ethics and Reconciliation Council (EAR council), of ZDE has the responsibility of attending to all grievances and reconciliation processes. All members of ZDE are automatically members of the EAR council; however, a student or other person with a grievance may designate not less than three ZDE members to serve as the EAR council for any particular grievance. The names of the ZDE members may be obtained from the ZDE board of directors. The names of the ZDE directors may be obtained from the ZDE website (www.zendowneast.org).

Reporting Grievances

Grievances may be made orally or in writing. If you wish to file a grievance regarding a breach of the ethical guidelines, you should report your grievance to any ZDE officer or any member of the ZDE board of directors. The names of the ZDE officers and directors may be obtained from the ZDE website (www.zendowneast.org). The person who receives the grievance shall promptly report it to the board of directors which shall attend to the formation of the EAR council for that grievance. The grievance will be treated in as confidential a manner as possible, with the understanding that the identity of the person making the grievance and the details of the grievance may need to be disclosed in the process of investigation or in subsequent proceedings as required by law or as necessary for the protection of ZDE.

Process for Investigation and Resolution

There is no single appropriate way to investigate and resolve a grievance regarding unethical conduct. The EAR council must consider the facts and circumstances particular to an individual case. The following guidelines, however, shall be followed:

1. The EAR council should first explore, where feasible, whether the grievance can be resolved in an informal manner that is acceptable to the parties. This will promote harmony in the community.

2. Where an informal resolution is not possible, the EAR council shall investigate the grievance. This will often involve interviews with the aggrieved, witnesses, and the alleged offending party. These interviews may be done by the full council, by a member of the council designated to carry out this task, or by an independent investigator or other person designated by the council. A detailed record will be kept of any interviews or other investigation. In matters which involve allegations of sexual misconduct, misappropriation of funds, or other serious charges, the EAR council will consult with the board of directors to the extent practicable concerning the appropriate process for fact finding. The board of directors shall also be responsible for seeking appropriate legal counsel in such situations.

3. When the investigation is completed, the EAR council shall consider what responsive action is required. The council may seek guidance and input from the board of directors or the transmitted teacher, where it is deemed appropriate. In cases involving allegations of sexual misconduct, misappropriation of funds, or other serious charges, however, the board of directors shall be ultimately responsible for the determination of the grievance, with appropriate input from the EAR council.

Appeals

Any person involved in a grievance pursuant to this policy who is not satisfied with the outcome of the grievance as determined by the EAR council may appeal the decision to the full board of directors. This right of appeal would not apply in those instances where the EAR council has already involved the full board of directors in the decision-making process.

Partial List of Possible Decisions by the EAR council or the Board of Directors

1 . Mediated resolution of the matter (assuming that the parties involved are willing).

2. A finding of no ethical breach while acknowledging the existence of a problem which needs resolution elsewhere.
3. Limiting the decision simply to whether or not an ethical transgression occurred.
4. Private or mediated apology.
5. Reparation, to the extent possible, to the person who brought the grievance and/or to the community.
6. Follow-up meeting with the person's teacher.
7. Recommendation of psychological therapy or participation in a recovery process (e.g., a drug or alcohol recovery program or a 12-step program) or spiritual counseling as specified by the EAR council.
8. Private reprimand.
9. Censure. This involves the findings and action of the EAR council, as well as the reprimand, being made public to the community, following the approval of the board of directors.
10. Apology to the ZDE community or membership.
11. Period of probation, with probationary terms set by the board of directors with input from the EAR council. Such terms shall include periodic meetings during the term of probation with one or more designated persons who shall serve as supportive guides for the person on probation.
11. Suspension from positions of responsibility within ZDE.
12. Suspension from participation at ZDE for a stipulated period of time. Such a suspension should include a statement regarding the conditions by which a person may re-enter the community and the person(s) who will be responsible for deciding whether

those conditions have been fulfilled. The person(s) responsible for deciding whether those conditions have been fulfilled shall meet periodically during the period of suspension with the person on suspension to serve as supportive guides and provide feedback on their efforts to meet the conditions for re-entering the community.

13. Termination of the person's office, employment, or relationship to ZDE.

Decisions Reserved for Teachers

Certain ethical transgressions may result in sanctions that involve an individual's spiritual path. While the EAR council may decide to recommend such sanctions, the decision regarding whether such sanctions are to be imposed rests solely with the individual's teacher. These sanctions are:

1. Retaking of the precepts, with appropriate accompanying atonement practice.
2. For persons with higher ordinations, relinquishment of the ordination and okesa.

In each case, the teacher responsible for giving the precepts or ordaining the individual would be solely responsible for determining whether such a sanction is warranted.

Guiding Principles

Our intention is to offer a reconciliation policy guided by basic principles of Zen Buddhism such as non-duality, interdependence, compassion for all beings, and upholding the precepts. Reconciliation is one practice by which we actualize these principles. Our hope is that a reconciliation policy provides a framework or container for whatever needs to occur, supporting everyone involved. That framework or container includes the following:

- Empathy: recognizing and acknowledging the feelings and needs of "the other" and "self."
- Non-violent communication.
- Bearing witness.

- Generosity and compassion.
- Deep listening: listening from the heart with openness to the words, feelings and needs of the speaker.
- Don't know mind: Suspending the thought that I know someone else's motives, hurts or feelings, or the reasons behind a situation; suspending the thought that I already know everything about my own motives, hurts and feelings.
- No one version of the truth: Acknowledging that each of us has our story about the events around us and that no one story encapsulates the truth.
- Taking responsibility: Recognizing interconnection/interdependence, identifying and taking responsibility for one's own contribution to the separation.
- Appropriate action: Identifying direct and practical steps to help the people involved to make amends for past ethical breaches or hurtful behavior, and to make more appropriate/skillful choices in the future. Each case will be different.

Reconciliation Process

What follows is an outline of a step-by-step process by which a person who has become separated from the community, including a person who has committed an ethical breach and has been asked to stay apart from the community, could be reconciled with and possibly reintegrated into the community.

1. Any party involved in the situation that led to separation, including a party who has become separated from the community, expresses a desire for reconnection and brings a request to the EAR council to engage in the reconciliation process. This request includes the expression of a desired outcome for the process. The EAR council explores with the person coming forward the intent behind their request and the feasibility of the desired outcome. The EAR council may ask that the person take some time for further reflection. Once the council determines that the intent is clear and the desired outcome feasible, it proceeds to the next step.

2. The EAR council, acknowledging that they are not trained professionals in this area and utilizing outside resources where appropriate, does their best to determine whether the person making the request has accomplished the following:

Demonstrated empathy for the others involved in the conflict.

Demonstrated understanding of the harm that may have resulted from their actions and accepted responsibility for it.

Where appropriate, committed to or completed specific practices or therapies intended to help them make more skillful and appropriate choices in the future.

Where appropriate, made or is prepared to make satisfactory amends for the harm that resulted from their actions.

The EAR council may seek guidance from the transmitted teacher with regard to actions or amends that may be appropriate to address the last two points in any particular situation.

3. If the EAR council is satisfied that the points laid out in step #2 above, have been accomplished, the EAR council invites the other person or people who were involved in the situation to explore their interest in participating in the reconciliation process. The EAR council may decide to proceed with step #3 in cases where some of the points in step #2 above have not been accomplished if the EAR council concludes that there is the possibility that all points under #2 will be accomplished during the course of the process and that there is little likelihood that additional harm will result by proceeding forward.

4. The EAR council shares with the other person or people who were involved in the situation its understanding of the intent, proposed outcome and readiness of the requesting party to enter into the reconciliation process. The EAR council again makes its best effort to determine if the points laid out in step #2 have been accomplished by all key parties involved in the situation that led to separation .

5. Based on the guiding principles, the EAR council determines a format for bringing the people together which has a reasonable likelihood of achieving the desired outcome. The EAR council, or its designee, may act as an intermediary between parties in order to arrive at a format acceptable to all. Examples of possible formats include council, a meeting of the parties with a neutral facilitator, or meeting of the parties with the EAR council or its designee.

6. The proposed coming together takes place. Afterwards, each party participating in the coming together provides feedback to the EAR council on their view of the outcome and of additional steps, if any, needed to reach reconciliation.

7. The EAR council evaluates whether the process enabled the parties to reach their desired outcome, whether reconciliation has been realized, and whether reintegration of a separated person into the community is appropriate.

8. If the process is successful, the EAR council may, where appropriate, make an announcement that acknowledges the reconciliation and/or request that the transmitted teacher authorize or conduct a ceremony to acknowledge it.

9. If the EAR council believes the process has been unsuccessful, it informs the parties of that view and may invite them to renew their request when they feel ready to do so.

Compliance with Soto Zen Buddhist Association (SZBA)

Zen DownEast is subject to the Soto Zen Buddhist Association (SZBA) Ethics Code and Grievance Process which can be found [here](#). To the extent of any inconsistencies between the Zen DownEast Ethical Guidelines, Grievance Policy and Reconciliation Process and the SZBA Ethics Code and Grievance Process, the SZBA's will govern.