

# **Dharma Rain Zen Center**

## **Safe Environment Policy and Procedures**

### **I. Introduction**

Dharma Rain Zen Center (DRZC) affirms that all children, youth and vulnerable adults have the right to pursue spiritual practice in a safe environment. Therefore, DRZC is committed to providing an environment in which these individuals are safe from abuse and neglect, and can receive support and protection if they disclose a history of abuse or neglect.

The responsibility to provide a safe environment applies to all DRZC members, but especially clergy, those in preparation to become clergy, staff, and volunteers who have direct or indirect contact with children, youth, or vulnerable adults in DRZC-sponsored events. To further this goal, DRZC has developed the following Safe Environment Policy and Procedures to outline mandatory and voluntary reporting responsibilities, and a process by which a Registered Sex Offender can seek permission to participate in DRZC-sponsored events or to become a member.

### **II. Safe Environment Policy to Protect Vulnerable Individuals from Abuse and Neglect**

It is the policy of Dharma Rain Zen Center (DRZC) to protect vulnerable individuals from abuse and neglect. When DRZC clergy, staff, or volunteers have reasonable cause to believe that abuse or neglect has occurred to a vulnerable individual a report will be made to the appropriate authority. To ensure the safety of vulnerable individuals, a Registered Sex Offender must seek permission to participate in DRZC-sponsored activities or to become a member.

### **III. Policy Implementation and Dissemination**

#### **A. The Safe Environment Committee**

The Safe Environment Committee (SEC) is charged with the responsibility of implementing and disseminating the Safe Environment Policy and Procedures (SEPP).

The SEC is composed of three members: an Abbot, the Dharma School Director, and a Board of Directors Representative. When there are co-Abbots and one of the Abbots is the Dharma School Director, the other Abbot will fill the third position. The Board of Directors Representative

is the Chair of the SEC. The SEC derives its authority from the Board of Directors, requires Board approval to modify the SEPP, and reports to the Board. Although any member of the SEC has the authority to bar a Registered Sex Offender from participating in DRZC activities or becoming a member of DRZC (refer to section VII E), all other decisions must be approved by a majority vote.

## **B. Staff Screening and Education**

### **1. Staff Screening**

All DRZC staff and volunteers who are expected to come into contact with children and vulnerable adults will undergo screening and criminal background checks to ensure no prior history of convictions for the abuse or neglect of vulnerable individuals or involvement in criminal activity that could be relevant to working with vulnerable individuals. To the extent that the screening or criminal background check reveals evidence of such behavior, the SEC will evaluate whether the individual can serve in any capacity at DRZC.

### **2. Staff Education**

All DRZC staff and volunteers will be provided with a copy of DRZC's Safe Environment Policy and Procedures at the time of hire or appointment. Before staff or volunteers assume their duties, they must sign a statement that they have read and understand the terms of the SEPP and agree to abide by the conditions of the SEPP.

### **3. Staff Training**

All DRZC staff and volunteers will receive training on abuse and neglect reporting that is appropriate for their responsibilities.

a. Dharma School staff and volunteers will receive training on abuse and neglect reporting specific to children every two years .

b. All other DRZC staff and volunteers will receive training on abuse and neglect that covers all vulnerable individuals every two years .

### **4. Dharma School Parent Education**

All parents and guardians who enroll a child in Dharma School will be provided with information outlining DRZC's abuse reporting policy.

## **IV. DRZC Clergy and the Reporting of Abuse and Neglect**

### **A. Defining Who Are Clergy at DRZC**

At DRZC, the term clergy refers to Priests and Lay Teachers who have received the Denkai level of transmission. At this level of transmission, Priests and transmitted Lay Teachers are authorized to give private interviews.

## **B. Confidential Communication**

Clergy at DRZC are authorized to hear confidential communications and have a duty to keep such communications secret. These confidential communications are exchanged during sanzen. Sanzen is a private interview with a transmitted teacher that can be formal or informal.

## **C. Privileged Communication**

Oregon law recognizes the special nature of the relationship between a member of the clergy and a person who has disclosed confidential information (ORS 40.260 Rule 506. Member of clergy-penitent privilege. See Appendix A for a copy of this statute.). Due to the special nature of this relationship, members of the clergy cannot be examined in court-related proceedings as to any confidential communication made to a member of the clergy unless consent has been given by the person who made the communication.

## **D. Privileged Communication and the Reporting of Abuse and Neglect**

By law, members of the clergy are mandatory reporters every time they learn about abuse or neglect except if they learn about the abuse or neglect in the course of a confidential communication. As a consequence of the clergy-penitent privilege, clergy at DRZC are not legally mandated to report abuse and neglect that is disclosed in the course of a confidential communication. Except under exceptional circumstances, however, it is the policy of DRZC to report all instances of abuse and neglect when there is reasonable cause to believe that such abuse and neglect has occurred.

Exceptional circumstances may include the following: the confidential communication was initiated by the offender; the abuse and neglect is in the past; there is no ongoing abuse or neglect; and the offender does not have the opportunity to offend other victims. These conditions are most likely to be met when the individual disclosing the abuse is in prison (e.g., an individual participating in the Prison Program discloses past abuse during a confidential communication to a member of the clergy). To aide in determining whether or not to exercise discretion in reporting, a member of the clergy may consult with another member of the clergy or a qualified professional familiar with abuse and neglect reporting.

## **E. Informed Consent and Exceptions to Confidentiality**

It is the responsibility of DRZC clergy to communicate the terms of this policy to individuals who participate in sanzen and who request confidential meetings. This policy will be disseminated through print and electronic media.

To the extent that a member of the clergy senses that someone is about to disclose information during a confidential communication that could trigger a report, that individual will be informed of this policy so that s/he can knowingly decide whether or not to make such a disclosure.

Monk Disciples and Junior Priests who have yet to receive the Den kai level of transmission have a responsibility to communicate to individuals requesting a confidential meeting that they are not yet members of the clergy and are not authorized to hear confidential communications.

Unlike members of the clergy, Monk Disciples and Junior Priests at DRZC may not exercise discretion in the reporting of abuse and neglect and will make a report when there is reason to believe that abuse or neglect has occurred. To the extent that a Monk Disciple or Junior Priest senses that someone is about to disclose information that could trigger an abuse or neglect report, that individual will be informed of this policy so that s/he can knowingly decide whether or not to make such a disclosure.

## **V. Understanding Abuse, Neglect, and Threats of Future Dangerousness**

### **A. Abuse and Neglect of Children**

#### **1. Relevant State Law**

The reporting of the abuse and neglect of children is defined by Oregon statutes (ORS 419B.005 - 419B.050).

#### **2. Defining Who Is a Child**

A child is an unmarried person under 18 years of age.

#### **3. Defining Child Abuse and Neglect**

Child abuse and neglect is defined by Oregon statute (ORS 419B.005). Thirteen types of abuse are listed:

- Physical injury
- Mental injury
- Rape
- Sexual abuse
- Sexual exploitation - in pornography
- Sexual exploitation - prostitution
- Negligence
- Threatened harm
- Buying or selling of a child
- Exposure to the manufacture of methamphetamines

- Exposure to a controlled substance
- School use of restraint or seclusion in violation of the law
- School use of corporal punishment in violation of the law

#### **4. Oregon Law Makes an Exception for "Reasonable Discipline"**

It can be difficult, at times, to distinguish child physical abuse from "reasonable discipline." Oregon law provides little assistance to help the potential reporter to make this distinction except to note that if the discipline results in one of the statutorily-defined types of abuse, it is not reasonable and it becomes a reportable offense. At a minimum, it is important not to immediately assume that any time a child has been disciplined that s/he has been abused. When questions arise about whether or not discipline has risen to the level of a reportable offense, these questions should be discussed with the Abbot or Dharma School Director before making a report.

#### **5. Clergy Are Mandatory Reporters**

ORS 419B.005 lists clergy as mandatory reporters when a member of the clergy learns of child abuse in an official (e.g., when functioning as a Priest or transmitted teacher) or unofficial capacity (i.e., when not functioning as a Priest or transmitted teacher). To the extent that a member of the clergy learns of child abuse in the context of a confidential communication (ORS 419B.010), however, clergy are not legally mandated to report abuse and n. This exception to reporting is discussed in more detail in Section IV D of this document (Privileged Communication and the Reporting of Abuse and Neglect).

#### **6. All Dharma School Employees are Mandatory Reporters**

In addition to clergy, all Dharma School employees are mandatory reporters. Other mandated reporters include Dharma School staff and volunteers who are mandatory reporters by virtue of their employment or professional standing outside of DRZC (e.g., certified teachers, school psychologists, or nurses who volunteer at Dharma School). Staff and volunteers who are not mandatory reporters by virtue of outside employment or professional standing shall make voluntary reports.

### **B. Abuse and Neglect of Elderly Persons**

#### **1. Relevant State Law**

The reporting of the abuse and neglect of elderly persons is defined by Oregon statutes (ORS 124.005 – 124.095).

#### **2. Defining Who Is an Elderly Person**

An elderly person means any person 65 years of age or older.

#### **3. Defining Elderly Abuse and Neglect**

Abuse and neglect of an elderly person is defined by Oregon statute (ORS 124.050). Eleven types of abuse are listed:

- Physical injury which appears at odds with the explanation given
- Neglect
- Abandonment
- Willful infliction of physical pain or injury
- An act that constitutes a criminal sex offense (such as rape or sodomy)
- Verbal abuse
- Financial exploitation
- Sexual abuse
- Involuntary seclusion of an elderly person for the convenience of a care giver or to discipline the person
- A wrongful use of a physical or chemical restraint

#### **4. Spiritual Treatment Is Not Abuse**

As noted in ORS 124.095, "An elderly person who in good faith is voluntarily under treatment solely by spiritual means through prayer with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall, for this reason alone, not be considered subject to abuse by reason of neglect under ORS 124.050 to 124.095." As a result of this exception, DRZC staff who become concerned about abuse to an elderly person need to carefully assess whether or not the alleged abuse qualifies as "spiritual treatment" before making a report.

#### **5. Clergy Are Mandatory Reporters**

ORS 124.050 lists clergy as mandatory reporters when a member of the clergy learns of elder abuse in an official capacity (i.e., while functioning as a Priest or transmitted teacher). To the extent that a member of the clergy learns of the abuse in an unofficial capacity (i.e., when not functioning as a Priest or transmitted teacher), clergy are not legally mandated to report. Instead, a voluntary report will be made. Unlike other forms of abuse and neglect, clergy are not permissive reporters when they learn of abuse or neglect to an elderly adult during a confidential communication.

### **C. Abuse and Neglect of Mentally Ill or Developmentally Disabled Adults**

#### **1. Relevant State Law**

The reporting of the abuse and neglect of mentally ill or developmentally disabled adults is defined by Oregon statutes (ORS 430.731 - 430.768).

#### **2. Defining Who Is a Mentally Ill or Developmentally Disabled Adult**

A mentally ill or developmentally disabled adult is defined by Oregon statute (ORS 430.735). The statute is concerned with mentally ill and developmentally disabled adults 18 years of age

and older receiving services in a community program or facility. More specifically, adults who are: a) a mentally ill adult receiving services from a community program or facility; or b) a developmentally disabled adult receiving services from a community program or facility or who was previously determined eligible for services.

### **3. Defining Abuse and Neglect of a Mentally Ill or Developmentally Disabled Adult**

Abuse and neglect of a mentally ill or developmentally disabled adult is defined by Oregon statute (ORS 430.735). Thirteen types of abuse are listed:

- Abandonment of a person with a developmental disability
- Physical injury
- Willful infliction of physical pain or injury
- Sexual abuse
- Neglect
- Verbal abuse of a person with a developmental disability
- Financial exploitation of a person with a developmental disability
- Involuntary seclusion of a person with a developmental disability
- Wrongful use of a physical or chemical restraint upon a person with a developmental disability
- An act that constitutes a criminal sex offense (such as rape or sodomy)
- Any death caused by other than accidental means
- School use of restraint or seclusion in violation of the law
- School use of corporal punishment in violation of the law

### **4. Religious Practice Is Not Abuse**

Similar to the exception noted for reporting of elder abuse, the statute notes an exception for religious practice (ORS 430.765): (3) An adult who in good faith is voluntarily under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall for this reason alone not be considered subjected to abuse under ORS 430.735 to 430.765. As a result of this exception, DRZC staff who become concerned about abuse to a mentally ill or developmentally disabled adult need to carefully assess whether or not the alleged abuse qualifies as "religious practice" before making a report.

### **5. Clergy Are Mandatory Reporters**

ORS 430.735 lists clergy as mandatory reporters when a member of the clergy learns of abuse or neglect of a mentally ill or developmentally disabled adult in an official capacity (i.e., while functioning as a Priest or transmitted teacher). To the extent that a member of the clergy learns of the abuse in an unofficial capacity (i.e., when not functioning as a Priest or transmitted teacher), clergy are not legally mandated to report. Instead, a voluntary report will be made. To the extent that a member of the clergy learns of abuse in the context of a confidential communication (ORS 430.765), however, clergy are permissive reporters and may exercise

discretion in deciding whether or not to report. This exception to reporting is discussed in more detail in Section IV D of this document (Privileged Communication and the Reporting of Abuse and Neglect).

## **D. Abuse of Animals**

### **1. Relevant State Law**

The reporting of animal abuse is defined by Oregon statutes (ORS 609.65 - 609.656).

### **2. Rationale for Reporting Animal Abuse**

As noted in ORS 609.650, there is a clear link between animal cruelty and crimes of domestic violence, including child abuse.

### **3. Defining Animal Abuse**

Animal abuse is defined by Oregon statute (ORS 609.652). According to statute, animal abuse is "aggravated animal abuse" which occurs when a person maliciously kills an animal or intentionally or knowingly tortures an animal. "Good animal husbandry" (i.e., the breeding and raising of livestock) is not animal abuse.

### **4. The Reporting of Animal Abuse Is Voluntary**

As noted by statute (ORS 609.654), reports of animal abuse are made on a voluntary basis when a public or private official, including a member of the clergy, who has reasonable cause to believe that an animal with which the official has come in contact has suffered aggravated animal abuse, or that any person with whom the official has come in contact has committed aggravated animal abuse, may immediately report the suspected aggravated animal abuse to local law enforcement.

## **E. Future Dangerousness**

### **1. Relevant State Law**

The reporting of future dangerousness by clergy is guided by Oregon statute (ORS 40.252: Communications Revealing Intent to Commit Certain Crimes).

### **2. Rationale for Reporting Future Dangerousness**

Clergy and staff can protect vulnerable individuals from potential harm by reporting threats of future dangerousness.

### **3. Defining Future Dangerousness**



In Oregon, future dangerousness is defined by statute (ORS 40.252). The focus of the statute is on future crimes involving, "...physical injury, a threat to the physical safety of any person, sexual abuse or death or an act described in ORS 167.322;..." ORS 167.322 refers to aggravated animal abuse which occurs when a person maliciously kills an animal or intentionally or knowingly tortures an animal.

#### **4. The Reporting of Future Dangerousness Is Voluntary**

Oregon law does not create a legal duty to report future dangerousness. As a result, if and when a report is made, it is made on a voluntary basis.

#### **5. A Privileged Communication to a Member of the Clergy Does Not Prevent Disclosure**

Oregon law indicates that if a threat of future dangerousness is made in the context of a confidential and privileged relationship, a report may still be made.

#### **6. There must be Evidence of "Clear and Serious Intent" to Commit a Crime**

Disclosing confidential and privileged information is a serious matter, however, and Oregon law indicates that before a report can be made there needs to be evidence of "clear and serious intent" to commit a crime.

#### **7. Oregon Law Focuses on the Reporting of a Limited Number of Future Crimes, Not Past Crime**

Aside from the mandatory reporting of past abuse and neglect to children, elderly, mentally ill adults, and developmentally disabled adults, and the voluntary reporting of animal abuse, as outlined above, Oregon law does not mandate or encourage the reporting of past criminal conduct. As a result, to the extent that clergy or staff learn about other types of past criminal conduct, these offenses should not be reported.

## **VI. Reporting Abuse, Neglect, and Threats of Future Dangerousness**

### **A. Likely Scenarios in Which Reports of Abuse and Neglect, and Threats of Future Dangerousness Could Surface**

Clergy, staff, and volunteers at DRZC are most likely to encounter reports of abuse and neglect, and threats of future dangerousness under the following circumstances:

#### **1. Likely Scenarios for Clergy.**

Clergy are most likely to receive reports of abuse and neglect, and threats of future dangerousness during the course of sanzen or a confidential discussion from adults who allege

that they have committed an act of abuse or neglect or who threaten to commit an act of future dangerousness.

## **2. Likely Scenarios for Staff and Volunteers.**

Staff and volunteers are most likely to receive reports of abuse and neglect during Dharma School from children and youth who allege they have been mistreated.

## **B. How to Know If a Vulnerable Individual Has Been Abused or Neglected**

Although some types of abuse will leave tell-tale signs (e.g., such as injuries following physical abuse) and neglect can sometimes be inferred when a vulnerable individual appears malnourished, most forms of abuse are not readily apparent to an observer.

As a result, to the extent that clergy, staff, or volunteers at DRZC learn about abuse or neglect, it will come from disclosures made by an abused or neglected individual (i.e., the alleged victim) or by an individual who claims to have mistreated a vulnerable individual (i.e., the alleged offender).

## **C. Third-hand Reports Do Not Trigger a Mandatory Report**

Only reports from an alleged victim or an alleged offender trigger a duty to report. Reports from a third-hand party do not trigger a mandatory report. Although a voluntary report can be made by a mandatory reporter after learning of abuse or neglect from a third-hand party, in most instances, the best course of action will be to encourage the third-hand party to make a report to the Department of Human Services (DHS) or local law enforcement.

## **D. When There is Uncertainty Regarding Whether or Not to Make a Report**

The legal standard for making an abuse report is "reasonable cause to believe" that abuse has occurred. When this standard is not met, or there is uncertainty regarding whether or not the standard has been met, it can be confusing to know how to proceed. In these instances, an anonymous call to the Department of Human Services (DHS) can sometimes elicit helpful advice. Keep in mind that DHS will usually recommend that you make a report.

## **E. When There Is Reasonable Cause to Believe That a Vulnerable Individual Has Been Mistreated**

### **1. Talk with the Abbot or Dharma School Director**

Although some DRZC staff have had specialized training in the identification of abuse and neglect (e.g., staff who work in health or mental health care outside of their role at DRZC), most have not. As a result, it is very important to talk over your concerns with the Abbot or Dharma School Director to ensure that your concerns trigger a responsibility to make a report.

Unless you are a mandatory reporter (e.g., clergy or DRZC staff who are mandatory reporters by virtue of their employment or professional status outside of DRZC), do not make a report before talking with the Abbot or Dharma School Director.

**2. Contact 911 in an emergency.**

**3. Contact the appropriate authority in a non-emergency.**

When calling to report abuse or neglect, contact the Department of Human Services. When calling to report animal abuse or future dangerousness, contact local law enforcement.

**4. Complete a "Suspected Abuse Report" form.**

**5. Make the Report in a Timely Manner**

Once a decision has been made to report suspected abuse or neglect, or a threat of future dangerousness, a report should be made immediately. Phone numbers for the Department of Human Services and local law enforcement are included on the "Suspected Abuse Report" form.

**6. The Suspected Abuse Report Form Will Summarize Information to be Disclosed**

All of the information needed to make a report will be contained in the "Suspected Abuse Report" form.

**7. When the Alleged Victim is a Dharma School Student**

a. Decisions to Disclose Information Will be Made by the Dharma School Director. All decisions regarding what information, if any, is disclosed to Dharma School parents will be made by the Dharma School Director. Requests for information should be referred to the Director. If the Dharma School Director is unavailable, requests for information should be referred to the Abbot.

**b. Talking to Parents of the Alleged Victim**

DRZC recognizes the need for the alleged victim's parent(s) to be reassured and supported, and will do so with the limits of confidentiality and reporting guidelines. Ultimately, the decision to disclose information will be guided by safety considerations.

i. To the extent that disclosing the abuse allegation to a parent would jeopardize a child's safety, the parent(s) will not be informed of the child's disclosure or that a report has been made.

ii. To the extent that disclosing the abuse allegation with a parent(s) would not jeopardize a child's safety, the parent(s) will be informed that the child has made a disclosure that has triggered DRZC's reporting policy. The parent(s) will be told details of the allegation on a case-by-case, as needed basis.

**b. Talking to other parents**

DRZC recognizes the need for other Dharma School parents to be reassured and supported, and will do so with the limits of confidentiality and reporting guidelines. The decision to disclose information will be made on a case-by-case, as needed basis.

## **8. When the Alleged Offender Is a DRZC Staff or Volunteer**

- a. In the event that you have "reasonable cause to believe" that a DRZC staff or volunteer is responsible for abuse or neglect of a vulnerable individual, contact DHS or local law enforcement and make a report.
- b. After a report has been made, notify the Abbot or Dharma School Director that you have made a report. If the Abbot or Dharma School Director is unavailable or is the alleged offender, contact a member of the Board of Directors.
- c. Complete a "Suspected Abuse Report" form.

## **9. After a DRZC Staff or Volunteer Has Been Reported**

- a. The Abbot or Dharma School Director will notify the Board of Directors immediately.
- b. The Board of Directors will notify DRZC's insurance carrier immediately.
- c. The staff or volunteer will be placed on administrative leave and relieved of all responsibilities pending resolution of the allegation. This includes taking a leave from any activities or assignments, and from participating in any DRZC-sponsored activities.
- d. After the staff or volunteer has been placed on administrative leave, the SEC will convene to establish a plan to support and maintain contact with the accused staff or volunteer. The SEC will also consider how, if at all, the accused staff or volunteer may be able to participate in some DRZC-sponsored activities (e.g., meetings with a teacher). These decisions will be made on a case-by-case basis and the overriding consideration will be the safety and well being of the alleged victim and the sangha. In the event that the SEC determines that the accused staff or volunteer can participate in some DRZC activities, s/he will be required to complete and abide by a Conditional Attendance Agreement. In the event that the staff or volunteer is unwilling to enter into or abide by the Conditional Attendance Agreement, s/he will be denied permission to participate in DRZC-sponsored activities.
- e. If a DRZC staff or volunteer is accused of abusing a child participating in Dharma School, the parents or legal guardian of the child will be contacted by the Dharma School Director after a report has been made to Child Protective Services.
- f. If a DRZC staff or volunteer is accused of abusing a child participating in Dharma School, parents or legal guardians of other children will be contacted by the Dharma School Director so that they may express any concerns they have.

**10. If an allegation of abuse or neglect is substantiated by child or adult protective services, or results in a criminal conviction, the DRZC staff or volunteer will be subject to DRZC sanctions.**

- a. When the offender is a Priest, Junior Priest, Monk Disciple, or Lay Teacher, s/he will be removed from all positions of responsibility.
- b. When the offender is a staff or volunteer, the individual will be terminated from employment or volunteer service, and any other position of responsibility.
- c. The offender will be reported to the Ethics Council to determine if s/he can return to the sangha. Until the Ethics Council has made a determination, the offender will be barred from any DRZC-sponsored activities.
- d. If the Ethics Council determines that the offender can return to the sangha, s/he will be required to complete a Conditional Attendance Agreement for review by the Safe Environment Committee (SEC) to seek permission to participate in DRZC-sponsored activities.
- e. Decisions regarding whether the offender can occupy positions of responsibility in the future will be made by the Board of Directors on a case-by-case basis. To aid in making this decision, the Board Directors may consult with the Ethics Council, the SEC, or with a qualified professional.

**11. If an allegation is unsubstantiated by child or adult protective services, and does not result in criminal prosecution, the accused DRZC staff or volunteer will be reintegrated into the sangha and may resume her/his former responsibilities.**

- a. When the accused individual is an Abbot, the Board of Directors will be responsible for reintegrating the Abbot back into the sangha.
- b. When the accused individual is a Priest, Monk Disciple, Lay Teacher, employee, or volunteer, the Abbot or Dharma School Director, as appropriate, will be responsible for reintegrating the individual back into the community.

**12. If an allegation is considered inconclusive by child or adult protective services, and there is no criminal prosecution, the safety and well being of the alleged victim and the sangha will be of paramount concern while the rights and well being of the alleged offender will be considered.**

- a. When the alleged offender is an Abbot, the Board of Directors will consider the allegation and nature of the evidence to determine if the Abbot can continue to work within the sangha in some capacity. Unless a professional risk assessment indicates that the Abbot poses no future risk, the Abbot will not be allowed to work in the Dharma School or with other vulnerable individuals. The Board of Directors may determine that counseling and/or additional psychological assessment may be a condition of continued service.

b. When the alleged offender is a staff or volunteer, the Safe Environment Committee, in consultation with the Board of Directors, will consider the allegation and nature of the evidence to determine if the individual can continue to work within the sangha in some capacity. After the SEC makes a recommendation, the Board of Directors will make the final determination. Unless a professional risk assessment indicates that the individual poses no future risk, the individual will not be allowed to work in the Dharma School or with other vulnerable individuals. The SEC may determine that counseling and/or additional psychological assessment may be a condition of continued service.

## **VII. Registered Sex Offenders**

### **A. The Registered Sex Offender and Spiritual Practice**

Spiritual communities face a dilemma in their attempt to provide a safe environment that protects vulnerable individuals and nurtures survivors of abuse and neglect, while simultaneously welcoming individuals who have committed a sex offense. Although DRZC's mission is to offer instruction in Zen practice and Buddhist teachings to all who are interested, DRZC recognizes that it has a special responsibility to protect vulnerable individuals from harm by Registered Sex Offenders (RSO) who pose a risk of re-offending. As a result, welcoming a RSO into the sangha must be accompanied by thorough knowledge, careful planning and long-term monitoring.

Although the terms "Registered Sex Offender" and "offender" can be demeaning, these are terms that have special legal status and will be used in this document. It is important to recognize that no two offenders are alike and that not all offenders pose a high risk to re-offend. Relatedly, not all Registered Sex Offenders pose a threat of harm to children and youth. As a result, although it is important to have a well-thought-out approach to integrating a RSO into DRZC, the sangha's response needs to be tailored to each offender.

### **B. Identification of Registered Sex Offenders**

A Registered Sex Offender (RSO) wishing to pursue spiritual practice at DRZC is required to notify the Abbot that s/he wishes to participate in DRZC-sponsored activities and/or join DRZC. Written materials outlining this requirement will be available to visitors and individuals who inquire about membership.

Alternatively, any individual attending DRZC-sponsored activities who learns that a RSO attending DRZC-sponsored activities has not notified the Abbot may contact the Abbot to identify the RSO.

### **C. A Conditional Attendance Agreement is Required**

A RSO who wants to attend DRZC-sponsored activities or join DRZC needs to request permission to do so by completing a Conditional Attendance Agreement. This agreement will be

discussed and signed during a meeting with the Abbot. Entering into such an agreement does not automatically grant permission to attend or join DRZC, but sets in motion a process by which the Safe Environment Committee may grant such permission. In the event that the RSO does not enter into such an agreement, s/he will be denied permission to participate in DRZC-sponsored activities.

## **D. The Conditional Attendance Agreement Sets Forth Minimum Conditions for Participation**

To complete the Conditional Attendance Agreement, the RSO must authorize the disclosure of confidential information, agree to specific prohibitions, agree to be accompanied by a mentor under certain conditions, and any agree to any other conditions outlined by the SEC.

### **1. The RSO Must Authorize the Disclosure of Confidential Information**

The authorization to disclose confidential information may include but is not limited to the following:

- a. To conduct a criminal background check.
- b. To contact the parole/probation officer, if present, to determine the offender's risk level and whether there are any conditions or restrictions that would affect participation in DRZC-sponsored activities.
- c. To contact the treating therapist, if present, to determine the offender's risk level and whether there are special considerations that would affect participation in DRZC-sponsored activities.
- d. To obtain professional consultation, as needed and at any time, to address any concerns regarding the RSO's risk level and participation in DRZC-sponsored activities.
- e. To discuss the Conditional Attendance Agreement with the Safe Environment Committee.
- f. To discuss the Conditional Attendance Agreement with other sangha members on an as-needed basis.

### **2. The RSO Must Agree to Certain Prohibitions**

These prohibitions may include but are not limited to the following:

- a. Participation in Dharma School or any activities that are specifically developed for children, youth, or vulnerable adults.
- b. Being physically present in facilities that are specifically designated for children, youth, or vulnerable adults. In the event that the RSO is a parent of a Dharma School student, s/he will be allowed to drop off and pick up her/his child and attend parent-teacher meetings.

### **3. The RSO Must Be Accompanied by a Mentor**

The RSO must be accompanied by a mentor at DRZC-sponsored activities. Mentors will provide line-of-sight supervision, ensure that the RSO abides by the prohibitions outlined above (D2), and discuss any violation of these prohibitions with the RSO.

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#### Revision history:

- Revised by DRZC Board of Directors, March 2025
- Approved by Dharma Rain Board of Directors, 2018