

**Dharma Rain Zen Center:**  
**Ethics Complaint and Dispute Resolution Processes**

(Updated 4/9/2015)

Dharma Rain provides informal and formal processes for addressing conflicts, and a formal process for reporting ethics complaints. Formal processes (for dispute resolution, and for reporting ethics complaints) are carried out by the Ethics Council.

This procedural document complements the booklet *Ethics and Precepts in Sangha Relationships* available online at the Dharma Rain website or by contacting Dharma Rain staff.

### **The Ethics Council**

The Ethics Council is a standing body appointed by the DRZC Board consisting of full members of Dharma Rain. The Council consists of several core members and alternates. The alternates serve in the event that a core member is not available to serve due to scheduling issues or any conflict of interest. The Ethics Council addresses:

- Conflicts within the sangha or between sangha members, where informal conflict resolution has been unsuccessful. This is a voluntary process and, in order to proceed, all parties to the conflict must agree to submit their conflict to the Ethics Council.
- Perceived or actual unethical conduct or abuse of authority, regardless of whether parties are in conflict. Full Members, Residents, Board and Council Members, Lay Disciples, Lay Teachers, Monk Disciples, Junior and Transmitted Priests, staff members, Abbots, and visiting teachers are subject to the jurisdiction of the Ethics Council. Participation in an ethics investigation is not voluntary and is a condition of continuing membership in the sangha.
- Reports or allegations of abuse of vulnerable populations (children, the elderly, mentally ill or disabled individuals, and animals).

### **A. Conflict Resolution**

This section describes guidelines and procedures *for resolving conflicts* within the Dharma Rain Zen Center sangha. It is our hope that most conflict resolutions take the form of reconciliation – with oneself and with others. Whenever possible, disputes and disagreements should be resolved informally and directly between the people involved. There are many ways, including normal sangha channels, that Dharma Rain Zen Center members may attempt informal resolution and reconciliation. In this document we offer some suggestions and basic guidelines.

We recognize that for certain concerns, complaints and conflicts, informal resolution may not be possible. For such situations, we offer a formal procedure explained in section B in this document.

#### **Informal Procedures for Resolving Conflicts and Disagreements**

Although no fixed procedures for informal conflict resolution exist, the suggestions and procedures 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 that flows from knowing that there is no fundamental difference between us.

### ***1. Stating the Actual***

A crucial aspect of conflict resolution, just as in 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 actual situations and the emotions experienced. It is extremely difficult to have mutual understanding when discussion remains at the level of interpretation and generalization.

### ***2. Being Heard***

It is important that everyone have an opportunity to be fully heard. This means that everyone has 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 approaches tend to preclude deeper mutual understanding. Much conflict arises and is perpetuated through a lack of mutual understanding; taking calm, deliberate, and adequate time to listen to each other is often all that is needed for reconciliation to begin.

### ***3. Restating What Was Heard***

To ensure 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 the restatement is complete and accurate, and makes corrections.

### ***4. Confession***

Resolution and reconciliation are greatly facilitated if everyone involved reflects on how they may have contributed to a conflict and then explains this to the other party. Even when one person is primarily responsible, self-reflection, confession, and apology on everyone's part can provide a safer, more trusting, and understanding environment for everyone to be truthful.

### ***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 might 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., lay disciples, monk or priest disciples, one of the abbots, and people outside of Dharma Rain Zen Center who are trained in mediation. You may also contact the Sangha Support Network for names of mediators in the sangha.

### ***6. Seeking Advice***

In addition to or instead of inviting a facilitator to participate, it can be useful to seek advice for working informally with a conflict. Such advice can be received from friends in the sangha or trusted senior sangha members. This should not become a matter of seeking allies in the conflict, but one of finding guides out of or beyond the conflict.

## **Formal Process for Resolving Conflicts and Disagreements**

When the informal processes described above have not been successful in resolving a conflict, the parties involved may ask the Ethics Council to intervene. The process is similar to the one described in Section B below for ethics complaints, with the difference that for formal conflict resolution, participation in the process is voluntary, and both (or all) parties to the conflict must agree to submit their conflict to the Ethics Council in order for the Ethics Council to hear the case. If all parties agree to consult the Ethics Council, the process is as follows:

- The parties to the complaint will submit the following details to the Ethics Council:
  - Name of each party to the dispute
  - Phone and email contact information for each party
  - Description of the conflict, including any key incidents and their dates
  - Name/s of others who are involved in the dispute
  - Desired outcome or resolution
- Each member of the Ethics Council is responsible for disclosing any potential conflicts of interest in hearing the ethics concern. Examples of conflicts of interest include people in intimate relationships with any party named in the concern, anyone who has a bias about the case, or anyone who would potentially benefit or lose from a decision. Conflicts of interests should be disclosed a reasonable time before the hearing so that an alternate Ethics Council member can be asked to serve.
- The Ethics Council Chair will schedule and oversee a closed hearing in which all parties are given a chance to present their understanding of the concern that was filed. The hearings shall be conducted in the spirit of the informal processes for resolving disagreements described earlier. Unless there is a compelling reason to do otherwise (e.g., allegations of aggression or abuse), the hearing will be conducted face-to-face with all involved parties.
- During the hearing, the Ethics Council may question all parties and request additional information. If appropriate, further hearings may be scheduled. All parties of a complaint may have a support person of their choice present at the hearing. If desired, the support person may make statements during the investigation.
- The Ethics Council may ask other people to provide information pertinent to the concern. Such information may be provided in person at a hearing or in writing. All parties will have a full and fair opportunity to respond to all information - oral, written or otherwise - gathered by the council.
- The Chair or another member of the Ethics Council will, as recording secretary, take minutes of the hearing/s. This documentation will be confidential for the duration of the proceedings as outlined below.

### **Council Findings**

When Ethics Council members are satisfied that they have adequate information, they will review and discuss the case in executive session. However, at its discretion, the Council may seek non-binding advice from any pertinent persons. The Council's decision should be reached by the form of consensus that allows for one person to stand aside, i.e.,

not agree with the decision but be willing to acquiesce. The Chair will explain and facilitate the consensus decision-making process for this Council.

Once a decision has been reached, at least two of the three members of the Ethics Council shall reconvene within two weeks with the parties involved. At this time the committee shall hand out copies of its written findings and read them aloud.

The Council is authorized to resolve conflicts in any manner that it regards appropriate, as long as it does not exceed the lawful authority of Dharma Rain Zen Center as an institution. If the Ethics Council is unable to reach a decision, it may appeal to the Board of Directors for guidance and recommendations on achieving resolution.

The Appendix of this document is available to the Ethics Council as a partial list of the kinds of decisions it may make.

It is the responsibility of the Chair of the Ethics Council to ensure that Council decisions are carried out.

In deciding a case, the Ethics Council must decide what persons, if any, besides the parties involved shall be informed about the case or aspects of the case. This determination shall be made at the outset of the process. In general, testimony and all detailed records will be kept confidential, as will findings regarding conflicts between members. However, in cases of alleged abuse of power by temple officers, findings generally will be made public.

## ***B. Ethics Complaints***

This section describes guidelines and procedures *for investigation ethics complaints*. Ethics complaints may arise from within or apart from a conflict. Before reporting an ethics complaint, it can be helpful to consider the following questions:

- Have precept/s been broken?
- Does or could this cause harm to Dharma Rain as an organization, or to those who practice here?
- Does this align with Dharma Rain's mission and values?

This is not a comprehensive list of questions; if you're not sure whether to report an ethics complaint, please err on the side of reporting it. Dharma Rain is deeply committed to personal and organizational integrity, and skillful practice of the precepts. All reported concerns are taken seriously, and will be handled according to the process outlined below.

Some behaviors or situations warrant immediate attention, and all members of the community have a responsibility to take reasonable action to address the safety of those in immediate danger. Such situations may include but are not limited to people with weapons on the premises, assault, drug use, visible intoxication, inappropriate physical contact, and verbal harassment.

Please note that residency standards are more stringent than standards for the sangha at large. Violations of the terms of residency should be reported to and will be addressed by the head of residency, and will follow the processes outlined in the residency agreement.

## **Ethics Complaint Reporting Process**

Any individual may report an ethical concern to the shusho, the Abbot, any lay disciple,

or to the Chair of the Ethics Council. When a report is received, the person receiving it (receiver) should ask the person (reporter) if they would like to file a formal concern. If so, the receiver should ask the reporter if they know how to do this, and direct them to resources as appropriate.

An ethics complaint should include the following information:

- Name of person filing the complaint
- Phone and email contact information for the person filing the complaint
- Description of the incident, and reason for ethical concern
- Date/s on which the incident/s occurred
- Name/s of those who were involved
- Desired outcome or resolution

After receiving a report, the Chair of the Ethics Council will review the details received. Within five days of receiving a complaint, the Chair will convene a meeting (this may be in-person or virtual via Skype, etc.) with at least two other Ethics Council members to review the complaint and determine next steps. They will:

- Determine if there appears to be cause for further investigation.
- Determine which of the three categories the report falls into:
  - Conflicts within the sangha or between sangha members, where informal conflict resolution has been unsuccessful;
  - Perceived or actual unethical conduct or abuse of authority, regardless of whether parties are in conflict;
  - Reports or allegations of abuse of vulnerable populations.

Reports or allegations of abuse of vulnerable populations will be immediately referred to the Safe Environment Committee and will follow the process outlined in Dharma Rain's *Safe Environment Policy and Procedures*.

If there appears to be cause for further investigation of perceived or actual unethical conduct or abuse of authority, regardless of whether parties are in conflict, the following process described in the next section will be followed.

### ***Ethics Complaint Resolution Process***

If the Ethics Council determines that further investigation is needed:

- Within five days after the Ethics Council has reviewed the report, the Chair will convey that the Ethics Council will schedule a hearing to further investigate the complaint to the person filing the ethics concern and (if applicable) the person(s) named.
- A reasonable time before the hearing, each Ethics Council member will disclose any conflict of interest in hearing the ethics complaint so that an alternate Ethics Council member can be asked to serve. Examples of conflicts of interest include people in intimate relationships with any party named in the concern, anyone who has a bias about the case, or anyone who would potentially benefit or lose from a decision.

- The Ethics Council Chair will schedule and oversee a closed hearing in which all parties are given a chance to present their understanding of the ethics concern that was filed. The hearings shall be conducted in the spirit of the informal processes for resolving disagreements described earlier. Unless there is a compelling reason to do otherwise (e.g., allegations of aggressions or abuse), the hearing will be conducted face-to-face with all involved parties.
- During the hearing, the Ethics Council may question all parties and request additional information. If appropriate, further hearings may be scheduled. All parties of a complaint may have a support person of their choice present at the hearing. If desired, the support person may make statements during the investigation.

The Ethics Council may ask other people to provide information pertinent to the concern. Such information may be provided in person at a hearing or in writing. All parties will have a full and fair opportunity to respond to all information - oral, written or otherwise - gathered by the council.

- The Chair or another member of the Ethics Council will, as recording secretary, take minutes of the hearing/s. This documentation will be confidential for the duration of the proceedings as outlined below.

### **Council Findings**

When Ethics Council members are satisfied that they have adequate information, they will review and discuss the case in executive session. However, at its discretion, the Council may seek non-binding advice from any pertinent persons. The Council's decision should be reached by the form of consensus that allows for one person to stand aside, i.e., not agree with the decision but be willing to acquiesce. The Chair will explain and facilitate the consensus decision-making process for this Council.

Once a decision has been reached, at least two of the three members of the Ethics Council shall reconvene within two weeks with the parties involved. At this time the committee shall hand out copies of its written findings and read them aloud.

The Ethics Council is authorized to resolve a grievance in any manner that it regards appropriate, as long as it does not exceed the lawful authority of Dharma Rain Zen Center as an institution. If the Ethics Council is unable to reach a decision, it may appeal to the Board of Directors for guidance and recommendations on achieving resolution.

The Appendix of this document contains a partial list of the kinds of decisions the Ethics Council may make.

It is the responsibility of the Chair of the Ethics Council to ensure that Council decisions are carried out.

In deciding a case, the Ethics Council must decide what persons, if any, besides the parties involved, shall be informed about the case or aspects of the case. This determination shall be made at the outset of the process. In general, testimony and all detailed records will be kept confidential, as will findings regarding conflicts between members. However, in cases of alleged abuse of power by temple officers, findings generally will be made public.

### **Appeals**

Either party has the right to appeal an Ethics Council decision within thirty days of being notified of the decision.

Appeals are made to the Chair of the Board of Directors. The Board shall review the findings and the appeal argument/s to decide whether or not the decision of the Ethics Council should be upheld. Normally appeals will only be granted if there is evidence of bias and/or procedural irregularities, or if new information not previously available comes to light. The decision of the Board is considered final.

### **Reconciliation**

If appropriate, once an Ethics Council has reached a decision, the Chair will separately make non-binding recommendations to both parties on steps they may take toward reconciliation among themselves and if necessary with the Dharma Rain Zen Center sangha. While Dharma Rain Zen Center places high value on reconciliation, we realize that in extreme situations it may take considerable time before such a process can begin.

## ***APPENDIX:***

### **Partial List of Possible Decisions by the Ethics Council**

This partial list of possible resolutions is intended to encourage open-minded and creative decisions by the Ethics Council.

- A finding of no ethical breach while acknowledging the existence of a problem which needs resolution elsewhere.
- Private or mediated apology.
- Reparation, to the extent possible, to the person who made the complaint and or to the community.
- Follow-up meetings with the person's teacher or an abbot.
- Recommendation of psychological therapy or participation in a recovery process (i.e., a drug or alcohol recovery program, or a 12-Step program) specified by the Ethics Council.
- A finding that the grievance was unfounded.
- Private reprimand.
- Public censure. The findings and action of the Ethics Council, as well as the reprimand, are made public to the community.
- Apology to the Dharma Rain Zen Center community or membership.
- Period of probation, with probationary terms set by the Ethics Council.
- Suspension from certain positions of responsibilities within the Dharma Rain Zen Center community.
- Suspension from Dharma Rain Zen Center for a stipulated period of time. Such a suspension should stipulate both the conditions by which a person may re-enter the community and the person(s) within Dharma Rain Zen Center who will be responsible for deciding whether those conditions have been fulfilled.
- Limiting the decision simply to whether or not an ethical transgression occurred and then forwarding this decision to the appropriate administrative or practice

leadership for further action.