

Dharma Rain Zen Center Ethics Council

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The purpose of this document is to describe the support that the Ethics Council can offer in formal conflict resolution and ethics violations. Before submitting a request for formal conflict resolution, parties are encouraged to work together informally. Requests for conflict resolution will be reviewed before they are accepted. Please see **Appendix A: Informal Conflict Resolution** for a suggested process to work with this type of difficulty. The [Ethics and Precepts in Sangha Relationships](#) booklet (the Green Book) may also be helpful in these cases.

The rest of this document covers:

1. Description of the Ethics Council and its Purpose
2. Definitions of and Reporting Process for:
 - a. Formal Conflict
 - b. Ethics Violation
 - c. Immediate Attention
 - d. Conflicts of Interest
3. Process for Resolving
 - a. Council Findings
4. Process for Repeals and Reconciliation
5. Appendix A: Informal Conflict Resolution
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1. Description of the Ethics Council and its Purpose

The Ethics Council is a standing body appointed by the Dharma Rain Zen Center Board of Directors. The Council consists of five members, each of whom is a member of Dharma Rain. One member of the Council may be appointed from outside Dharma Rain. The purpose of the Council is to support formal conflict resolution and to investigate and address ethics violations.

In order to determine the appropriate course of action, the Ethics Council must first discern whether a case is a formal conflict or ethics violation. If it is determined that it is neither, the Ethics Council will decline to take the case unless further information arises or other routes are exhausted. Anyone may submit a case, regardless of whether they are a member. All reported concerns are taken seriously, and will be handled according to the process outlined in this document.

2. Definitions and Reporting Process

Conflicts or perceived ethics violations may be initially reported to the abbot, a transmitted teacher, an ordained monk, or a member of the Ethics Council. When an informal report is received, the person receiving it should ask the person if they would like to file a formal report. Reporters may be kept confidential when filing a perceived ethics violation. The formal process starts when at least one of the parties submits the following details to the Ethics Council:

1. Name of each party to the dispute
2. Phone and email contact information for each party
3. Description of the conflict, including:

- a. Key incidents and their dates
 - b. Reason for ethical concern
 - c. Any attempts at resolution
4. Name/s of others who are involved in the conflict
5. Desired outcome or resolution

After receiving the initial information outlined above, the council members will meet to discern whether it is appropriate for the Ethics Council to intervene. If it is determined the Ethics Council should intervene, a hearing will be scheduled. This period, between when the complaint is submitted, to when a hearing is scheduled, will take no more than 10 days.

Once the case is accepted, participation in the process is required for all parties. If any party refuses participation at this point, the case will be referred to the Board for appropriate follow up.

The Ethics Council will accept the case if it appears to be one of the following:

- **Formal Conflict:** Conflicts that arise when the individuals involved have exhausted other methods of conflict resolution. This may especially be the case when:
 - Someone who is not a Dharma Rain Zen Center member is involved;
 - Peers do not have teachers or have different teachers;
 - A conflict (that is not an ethics violation) arises between non-peers;
 - Someone involved in conflict has refused to resolve it otherwise; or
 - A consequence might need to be enforced in order to reach reconciliation.
- **Ethical Violation:** Perceived or actual unethical conduct or abuse of authority, regardless of whether parties are in conflict. Full members, residents, Board and Dharma Council members, lay disciples, lay teachers, junior and transmitted priests, staff members, abbots, and visiting teachers are subject to the jurisdiction of the Ethics Council, as well as anyone who attends Dharma Rain events or programs. When reporting an ethics violation, it can be helpful to consider the following questions:
 - Have [precepts](#) 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 vision](#)?
 - Is there an abuse of authority?
 - If you're not sure, err on the side of caution. Dharma Rain is deeply committed to personal and organizational integrity, and skillful practice of the precepts.

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.

In cases wherein a vulnerable party is involved, the case will be referred to the Safe Environment Committee.

In some cases, it may be appropriate for the Ethics Council to work with the Head of Residency or the Safe Environment Committee.

Immediate Attention

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:

- Weapons on the premises;

- Assault;
- Drug use or visible intoxication;
- Unwanted physical contact; and
- Verbal harassment

Conflicts of Interest

During the discernment period, 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 anyone who has a(n):

- Intimate relationship with any party named in the concern;
- Bias about the case;
- Potential benefit or loss from a decision;
- Teacher or student is involved; or
- any other perceived conflict

At least three members of the Council will mediate the resolution process, depending on who is available after conflicts of interest have been disclosed, or any other conflicts have been determined (for instance, scheduling conflicts).

3. Process for Resolving

Once it has been determined that the case will be taken and who will serve on the case, 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.

All formal conflict hearings and some ethics violations will be conducted in-person with all involved parties. In some cases of ethics violations, especially one involving allegations of aggression or abuse, hearings may be conducted separately with each of the parties. Separate hearings may be requested, but granting the request is at the discernment of the Council.

During the hearing, the Ethics Council may question all parties and request additional information. 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 an opportunity to respond to information – oral, written or otherwise – gathered by the Council. Information may not be shared if it is of a confidential nature (for instance, if someone has shared relevant but confidential medical information with the Council).

A member of the Ethics Council will 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 requires a decision agreed upon by the majority of the group but allows for one person to stand aside, i.e., not agree with the decision but be willing to acquiesce.

Within two weeks of the decision, the involved members of the Ethics Council shall reconvene

with the involved parties. At this time, the committee will distribute written copies of its findings and read them aloud. Any confidential information as described above may be redacted.

The Ethics Council is authorized to resolve a grievance in a manner that it regards appropriate and is consistent with Dharma Rain Zen Center's [Guiding Values](#), as long as it does not exceed the lawful authority of Dharma Rain as an institution. Some possible (but not exhaustive) outcomes are listed in Appendix B. If the Ethics Council is unable to reach a decision, or if the process is not tending toward resolution, the Council may appeal to the Board of Directors for guidance and recommendations on achieving resolution.

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, unless it is determined that the sangha at large will be affected. Any abuse of authority is considered an ethics violation and will be made public.

4. Process for Appeals and Reconciliation

Appeals

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

Appeals are made in writing to the Chair of the Board of Directors. The Board shall review the findings and the appeal argument to decide whether or not the decision of the Ethics Council should be upheld. 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 some situations it may not be possible.

Appendix A: Informal Conflict Resolution

Although no fixed procedures for informal conflict resolution exist, the suggestions and procedures that follow are intended to give all persons involved in a conflict a chance to be fully heard in an environment of respect and kindness.

Stating the Actual

When working with conflict, it is important to take time to discern and communicate clearly what is interpretation or opinion and which events occurred and how they were personally experienced. Typically, generalizations are unhelpful, and instead the use of "I" statements can be used to communicate personal experience of an event. For instance: "I felt hurt when you canceled our meeting again" vs "You never pay attention to my feelings."

Being Heard and Hearing

It is important that everyone has 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 in a neutral or positive way. Taking calm, deliberate, and adequate time to listen to each other is often all that is needed for reconciliation to begin. 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.

Confession/Sange

Self-reflection, confession, and apology on everyone's part can provide a safer, more trusting, and understanding environment. This may not always be possible and time scales may differ.

Facilitation

It can be useful to have a neutral witness or mediator involved to help facilitate discussion and ensure everyone has the opportunity to speak and be heard. They may also help discern interpretation from statements of experience. The Ethics Council suggests facilitators have training or experience with conflict resolution. This may include someone with professional training, an ordained monk, transmitted teacher, the abbot, and people outside of Dharma Rain Zen Center who are trained in mediation.

Seeking Advice

It can be useful to seek advice for working informally with a conflict. Such advice can be received from dharma peers or trusted senior sangha members. Sanzen can be an appropriate method of seeking advice. This should not become a matter of seeking allies in the conflict, but one of finding guides out of or beyond the conflict.

APPENDIX B: 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 or to the community
- Follow-up meetings with the person's teacher or an abbot
- A finding that the grievance was unfounded
- Private reprimand
- Public censure wherein 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.