

Sangha Advocacy Council and Ethics Policy

Principles of Sangha Life

1. Commitment to Study and Practice

More than a set of rules, principles of sangha life involve a commitment to collective and individual study and practice of the precepts, including a commitment to finding wise ways to work with conflict.

Here are the precepts as expressed in our sutra book:

2. Commandments of the Seven Buddhas

I shall not cause harm of any kind.

I shall live in and be a servant to all that is good.

I shall cultivate the purity that is our nature.

This is the full teaching of the awakened ones.

These are compass points of our practice, intended to keep us on a path of care for our sangha and fellow beings. When confused or reactive, we can look back toward the Commandments of the Seven Buddhas and use them to assess our direction. Does my action/speech cause harm? Is it in the service of being good? With it, am I cultivating the purity that is my nature?

3. The Ten Precepts

I will be reverential and mindful with all life; I will not kill or be ruled by violence.

I will respect others' property; I will not steal.

I will be conscious and loving in my relationships; I will not be ruled by lust.

I will honor honesty and truth; I will not deceive.

I will exercise proper care of my body and mind; I will not be gluttonous or abuse intoxicants.

I will remember that silence is precious; I will not gossip or engage in frivolous conversation.

I will be humble; I will not exalt myself or judge others.

I will be grateful for my life; I will not covet or be directed by envy or jealousy.

I will keep my mind at peace; I will not be directed by anger.

I will esteem the three treasures, the Buddha, Dharma, and Sangha.

This is the map which helps us navigate our lives. Most of the time, we can travel without a map, but when confused and reactive, going back to the map is helpful. We can use these precepts as both tools for assessment and mindfulness practices. If I carry them as companions to my heart-mind, I am much less likely to falter and hurt myself or others.

4. The Eightfold Path also serves as a guide:

Attuned Understanding

Attuned Thought

Attuned Speech
Attuned Action
Attuned Livelihood
Attuned Effort
Attuned Mindfulness
Attuned Contemplation

Finally, the Eightfold path directs us to maintain the mindstate of a clear and ethical life, again offering both tools for assessment, direction and mindfulness practice.

When Distress Arises

Attending to and learning from conflict is a clear application of Buddhist practice in our daily lives. Without this intention, practice can too easily be a comfort rather than a deep transformative vehicle. The health of our sangha is measured by our willingness to find effective, responsible, and compassionate means of resolving interpersonal tensions as they arise.

Buddhist conflict resolution is focused on fully addressing the suffering of all concerned. We take hurt, fear, and anger seriously, and in responding to these emotions, our practice is fundamentally guided by kindness. Buddhist conflict resolution is not based on good or bad, blame or guilt, winning or losing, offenders or victims. We value dialogue and careful listening over isolation, mutual understanding and acceptance over estrangement, forgiveness (of both self and other) over resentment, clarity over accusation, and atonement over punishment. Acting on these values, we provide the means and support for people to speak honestly, safely, and completely about their own direct experiences and feelings.

Chobo-Ji recognizes that the functioning of the group depends on providing a safe, non-threatening, and caring environment in which to practice. Chobo-Ji also recognizes that at times Zen practice can feel quite unsafe and threatening, particularly as emotions are rubbed raw during the rigors of sesshins, but also because of inevitable tensions, irritations, and misunderstandings that arise among members of a small, often intense, community. Furthermore, although in a Buddhist context, conflict provides the opportunity for increased understanding and compassion for all thoughts, emotions, and behaviors, we recognize that certain behaviors negatively impact safety and harmony. The Sangha Advocate policy is intended as a structure to facilitate the resolution of interpersonal conflicts that are bound to arise among us.

Interpersonal Distress

It is important to note that various forms of distress that might arise in community practice exist within a broad range of behaviors. While some have less of an impact minor, others may cause harm, and most have nothing to do with ethical violations. Depending on what kind of difficulty arises, different forms of intervention, advocacy, and guidance are needed.

Examples of the sorts of difficulties that might arise at the low level of distress would occur, for instance, when someone exhibits anger, speaks without considering other people's feelings, gossips about another in the sangha, or is generally disruptive to the sangha. Sometimes it is difficult to describe, precisely, what the complaint is in these matters. We can investigate the situation even if our dis-ease cannot be fully articulated. Such generalized feelings need to be processed. We, as a community, support helping people cultivate clarity in these situations.

Perhaps a little more serious and disruptive is behavior which leads to conflict or emotional harm that can be described in concrete terms. These sorts of disruptions arise around a specific instances of behavior that are so distressing that one or more parties may need to have the behavior addressed and resolved before harmony can be restored. Examples of these sorts of behaviors include when someone speaks in a way that has a negative impact on another, when someone crosses a boundary of touch that feels inappropriate, or when someone shares something that the listener would rather not know or hear and when a request to stop or drop the subject is not respected.

None of the above would necessarily be an ethical violation. What determines an ethical violation changes over time and in different cultures. However, each community has a general standard of what constitutes ethical breach. Under "Ethics Policy" below are a list of boundary violations that would fall into a general consensus of what defines ethical violations.

Finally, it is difficult for any one individual to parse through all the factors that determine whether a person is acting out of harming intent, is simply confused or has good intentions that are landing poorly. It is difficult for any one individual to determine whether a behavior is unethical or merely disruptive. (For instance, is a hug sexual or friendly? Is a wish for more time together inappropriately intrusive or simply overly-eager?) The policies put forth below are intended to take the burden off of any individual experiencing distress and opening it to the wisdom of the larger community.

Processes for resolving interpersonal distress

Process for Resolving Concerns

While, in general, it may be most helpful to go through the sequence listed below in order, one may find oneself unable, for instance, to speak directly with the person with whom one is having difficulty and may need advocacy right away. The following is thus a guideline and one can enter the process wherever they feel most able to act.

- 1) First, we should investigate within ourselves to determine to what extent our own minds are creating the distress and whether we can resolve the distress internally.
- 2) Secondly, we may speak with someone else. In the case of distress that involves the behavior or speech of another, we could, if at all possible, speak with that other person to see if we can resolve the issue together (with or without a third person present). This will require patient listening and a willingness to view the situation from varying perspectives. In the case of internal upset that does not

involve another person, one may turn to a trusted sangha member for empathy and understanding and support in resolving the distress.

- 3) Thirdly, we may turn to the abbot (who will, in most cases be the first person approached) or a member of the Sangha Advocacy Council (see below) for guidance and/or help in addressing the concern either internally or through getting support to speak with someone else.
- 4) Finally, if the distress cannot be resolved alone or inside the sangha, outside support may need to be resourced, in the form of either a professional psychotherapist or mediator.

Note: During sesshin, this approach changes slightly in that the first person approached should be the abbot or osho leader and then those designated as resources at the start of sesshin.

Procedure for Resolving More Serious Complaints:

- 1) Each party involved in the complaint will be assigned a Sangha Advocate (see below), preferably of the same gender, to serve as witness and advocate.
- 2) A sangha advocate or advocates shall meet with the concerned person, ideally face to face or by video chat or telephone within five days of the complaint.
- 3) The Advocate will act as an empathic and caring support for the person he/she is speaking with, offering no judgments or opinions. Advocates will be trained and will practice Nonviolent Communication and other supportive listening such as reflective listening to support the person being heard and to support clarity and understanding. The unbiased role of the witness/advocate should clearly be explained to the person they are working with so there is no role confusion.
- 4) The Sangha Advocates will meet within ten days of the initial complaint to discuss how to respond to the complaint. The emphasis is to care for all parties and support sangha harmony, and this does not preclude supporting people leaving the sangha if that is the healthiest response. Responses may be, but are *not* limited to:
 - A. *A cooling off period*, which may be called for if the crisis is deemed to be, for instance, turbulence as a result of practice or, again, for instance, if empathic listening seems sufficient to put the issue to rest.
 - B. *Reconciliation*. Parties will meet to engage in a restorative process with each party member and their advocates in attendance. An outside mediator may be called in to facilitate, should it be deemed necessary. If this outside mediator is hired, reimbursement will come from the Sangha Advocate budget. The goal is to increase mutual understanding and develop respect and care and strategies for moving forward. If a person refuses to attend a reconciliation meeting, their advocate can stand in as a proxy.

- C. *Eldering/Guidance.* Sometimes, conflicts can be resolved by the use of eldering or guidance. Sangha Advocates are long term sangha members who can voice and hold the values of the community and help guide others to stay within the boundaries prescribed by the precepts and the unarticulated and evolving Chobo-ji culture. Elders offer a guiding hand to redirect people into right thought, speech and action.
- D. *Ethical Investigation.* If, after listening to, discussing, and reflecting upon the concerns and complaints expressed, any Sangha Advocate or any party to the complaint process believes something which has occurred possibly constitutes an ethical violation, the complaint will be immediately referred to the Executive Committee of the CBJ Board of Trustees. They will determine if an ethical investigation is warranted. (See *Ethics Investigation* below.)

Note: If at any time there is evidence that an actual crime has been committed, appropriate law enforcement will be notified.

Sangha Advocacy Council

The Sangha Advocates are a committee responsible to the board who, in consultation with the abbot, serve as elders to the community. They offer guidance, understanding, empathy, and emotional resources to sangha members expressing concerns or making complaints. These Advocates are comprised primarily of long-term sangha members trained in communication skills who have received Jukai and engage in regular practice at Chobo-Ji. At times of increased need, outside advocates may be brought in to help facilitate communication. Chobo-ji prefers advocates trained in Restorative Practices and NVC. However, in the case of alleged ethical violations, other qualified people may be asked to assist so students do not have to investigate their own teacher(s).

Sangha Advocates are guided, always, by the principle of kindness. They preserve confidentiality. They work to be sure all parties feel fully heard. They strive to remain humble and open-minded.

The Sangha Advocate is responsible for caring for sangha members expressing concerns or complaints. Anyone, including Sangha Advocates, may raise concerns about someone in the sangha, and the Sangha Advocate will meet and discuss ways in which the concern can be addressed. The concern may be regarding an individual's well-being, whether his or her behavior is appropriate for the sangha, or a specific complaint about a sangha member. If the concern is in regards to a Sangha Advocate or a spouse or romantic partner of any Sangha Advocate, that person should step aside from involvement

Ethics Policy

Many of the complaints that the Sangha Advocates will face will be about boundaries. Boundaries describe physical and psychological limits that help us differentiate from one another and prescribe appropriate behaviors for people in given roles. With healthy boundaries, we recognize another person's internal subjective experience and act appropriately given their separate needs and expectations. Boundary violations include violating another person's physical space, using someone else's belongings without asking, speaking over another person while they are talking, getting involved in someone else's affairs when they do not want it, etc. Boundary violations are, to some degree, inevitable. We mistakenly cross boundaries all the time (for instance, by saying something that stimulates someone feeling hurt, cutting someone off in communication, disclosing more to someone than they want to hear). For the most part, these boundary violations can be addressed by the people involved, but those in conflict may also ask a Sangha Advocate for help.

Ethical violations are boundary violations that, in general, are not accidental but prioritize personal gratification at the expense of someone else's well being. Examples of ethical violations are theft of property, misuse of community funds, uninvited or non-consensual sexual touch or communication, lying for personal gain, speaking ill of others for personal gain, or other violations in this vein that have a substantial negative impact on one or more sangha members.

Most concerns and complaints can be handled by the Sangha Advocates and do not call for an ethical investigation. This separation between these procedures for resolving interpersonal distress and the ethics policy is intended to differentiate expected outcomes of procedure. The Sangha Advocate group is formed to facilitate communication and understanding. Concerns and complaints do not draw into question someone's honesty or integrity but ask for an investigation into one's self-awareness and impact and awareness of others.

The Ethics Policy is meant to support an investigative process that creates safety for the community by addressing whether moral lapses (as opposed to lapses in judgement) have caused harm to the sangha or any individual or individuals within the sangha. Examples of such ethical lapses are explored below.

Dual Relationships and Potential Problems

The term "dual relationship" denotes more than one kind of relationship with the same person, for example if someone is both your friend and business partner this represents one kind of dual relationship. Dual relationships in and of themselves are not boundary violations nor do they necessarily violate ethical standards, but they do present potential dilemmas when a power differential is involved in a dual relationship. For instance, when a spiritual teacher, sensei or priest is the source of a person's core needs being met (in this case through spiritual guidance), and the teacher, sensei or priest in turn hopes to get his or her own core needs met (for companionship, friendship, love, touch, understanding), the situation is rife with the potential for misunderstanding, hurt feelings and conflict. Though this process of hurt feelings and conflict is a normal part of human interaction, it is especially potent between student and teacher. A student comes to a teacher with a different level of vulnerability and trust than one would approach a friend or work colleague. The student is trusting the teacher

to help guide his or her spiritual life and, hence, to put the student's needs above the teacher's own. So a teacher is being asked to protect the student from the teacher's own core needs. So for the most part, when there is a clear power differential, dual relationships should be avoided. This is not to say, however, that if a teacher goes to coffee and enjoys a certain level of friendship with a sangha member that it is an ethical violation. Dual relationships only become unethical when the teacher, in this instance, gains at the expense of the student. Again, differentiating this matter is hard to discern. Hence the need for community wisdom as outlined in this document.

Examples of Ethical Breaches

Sexual Harassment

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, or physical conduct of a sexual nature that is unwelcome. Continued verbal expression of sexual interest, after being informed that such interest is unwelcome, is a misuse of sexuality and an ethical breach. Because of the inherent power differential between priests and lay members, we consider any expression of sexual interest for the purpose of furthering or deepening a relationship or satisfying his or her own sexual needs or arousing sexual interest to be inappropriate. People's tolerance for and understanding of what constitutes sexual expression varies. Confusion is bound to arise.

A hug or hand on the shoulder may be benign to one but not to another. Requests not to be touched must be respected. In terms of speech, in the context of deep spiritual practice, sexual energy arises, confusion about one's own sexuality emerges and mature discussion may be appropriate and even necessary, but continued talk about one's confusion/attraction may not be welcomed and should stop whenever asked to stop.

The line between what constitutes mature sexual talk and sexually inappropriate talk hinges on mutual consent and intent. An example of mature sexual talk supports learning and growth. However, if the talk of sex is titillating or arousing and is taking place between people where a power differential exists, then it is most likely inappropriate. If someone explicitly states that they do not want to hear sexual talk, mature or not, or if they appear uneasy, and the conversation is taking place individually, in a one-on-one setting, the sexual talk should be stopped.

Sometimes public statements are made that are not intended to arouse and titillate but to acknowledge human sexual complexity as well as potential sexual wounding. These public statements may be uncomfortable to some, but if they are not meant to arouse or titillate but to teach and inform, a person who is uncomfortable should make decisions to care for themselves, either by leaving the setting and/or seeking guidance from a Sangha Advocate. (For instance, in public discussions of the precept on sexuality, it is impossible to have a mature and frank discussion without talking about sex.) Such statements, in general, are not regarded as sexual harassment.

Teachers must never have sex with their students or seek to have their sexual needs gratified by a student.

Discrimination by the Sangha or Persons of Power

No person shall be discriminated against for any reason including race, gender, gender-identity, sexual preference, age, disability etc.

Misuse of Finances

Unless contracted by the board of Chobo-ji for services deserving payment, no funds from Chobo-ji shall be used for personal gain.

Acting in Direct Contradiction to the Board of Trustees

The Board of Trustees is the governing body that has been selected to direct and oversee the management of the temple and care for the sangha. Consequently, the board sets out guidelines for expected behavior and may even offer clear direction in its expectations for behavior, policy and financial expenditures. Were one to knowingly act in direct contradiction to the Board of Trustees, this would be an ethical violation.

Other examples of Behaviors that may be Ethical Violations

- The use of physical violence
- Abusive language
- Unjust use of people, e.g., taking advantage of one's willingness to train for personal advantage

Procedure for Investigation of an Ethical Violation

What follows is an outline of investigative steps to be taken by the board and an ad hoc Ethics Panel. Members of both groups will endeavor to treat all affected parties with care and compassion and open-mindedness, to act expeditiously, and to maintain confidences.

A person may make a direct ethical complaint to any member of the board. That board member must then bring the ethical complaint to the executive committee for consideration of its merits. The person making the complaint need not be the aggrieved party. For instance, if one were to become aware of inappropriate sexual relationships between a teacher and student, the student need not be the complainant. Any sangha member can point out the ethical violation. Also, someone engaged in the Sangha Advocate procedure may at any time make a complaint to the board, or any member of the Sangha Advocates can also make that complaint. Any board member may also make the complaint.

If an ethical complaint has been made ...

1 - The executive committee of the board is drawn together to consider the merits of the complaint. This will take place within 72 hours of the complaint. If a meeting cannot happen in that period of time, a specific date must be scheduled as soon as possible and the date of that meeting must be made clear to all members affected by the complaint. (Because of the extreme nature of an ethical complaint and because of the

risk to safety of the sangha, when an ethical complaint is made, the executive committee should treat it no less urgently than as if were the temple on fire.)

2 - In determining whether or not the complaint warrants investigation, among the questions the executive committee might ask are: If the behavior alleged by the complainant did occur, would it actually constitute an ethical violation? If it is possible that the complaint arises from one person's confusion about or misinterpretation of another's behavior, what if any efforts have already been made to resolve the problem? Someone on the board should talk with both parties to try to get as clear a sense of the situation as is possible at this stage. If the executive committee of the board determines that the complaint warrants investigation, they call on the full board to determine if any immediate actions need to take place (such as temporarily suspending someone from a position of power, or intervening specifically to stop behavior that is deemed dangerous or harmful).

3 - If a meeting is called, this meeting should take place within a week of the initial complaint. Ideally it involves all members of the board, though board members can attend electronically. If the meeting cannot take place within a week, a meeting must be scheduled as soon as possible. At this meeting, the board will form an Ethics Panel made up of at least three people with some level of expertise and experience in the matter of ethics and healthy boundaries. These people need not be members. They should not have any conflicts of interest with anyone involved in the investigation. If a teacher, osho, or sensei is being investigated, the Executive Committee of the Board will appoint or hire a contingent of individuals from outside the immediate sangha, well-versed in ethics, a level of expertise in the area of concern, and ideally some Zen training. This is done to achieve clarity and impartiality involved in having to investigate their own teacher.

4 - This Ethics Panel will begin an immediate investigation. Each member will be given tasks and those tasks should be completed within two weeks of the formation of the panel. These tasks may contain written statements as well as interviews. If any information is not able to be gathered within two weeks, a clear deadline should be set with no task being left uncompleted longer than four weeks. Material not gathered within four weeks will be determined to be irrelevant to the current investigation. If some piece of information is brought forth at a later date, a new complaint can be filed. The information can be gathered in any order. The panel will strive to maintain objectivity, to avoid premature conclusions, and to work throughout to make sure all parties both are heard and feel they have been heard. A line of communication with the board should be kept open with regular reports. Any person who is being interviewed or investigated as part of this process should be teamed with a Sangha Advocacy Council member to help provide personal support and advocacy should communication become difficult.

5 - Within a month of its formation, the Ethics Panel will organize and formulate the information according to, but not limited to, the ethical principles articulated above. Its chief task is to make observations and determine a course of action for the restoration of sangha harmony and safety. After receiving the panel's report, the board will consider the information, may ask for more data, assign additional tasks, establish an interim finding or a final finding and take any necessary actions to preserve the safety of

the community. The panel will, at all times, while striving for transparency, respect the sensitive nature of information and maintain prudence in terms of sharing the content of personal communications with the board and executive committee. Strict confidentiality regarding all other parties must always be maintained.

6 - If the board finds that ethical violations have been committed, it has the power and responsibility to remove people from positions of power, order departure from the sangha, request psychological counseling, seek restitution, or take other action that they deem appropriate to ensure the safety of the sangha. When considering remedies less severe than expulsion, the board should work with the offending party to find a clear and equitable path towards reconciliation, if at all possible, with the offended parties, restitution if needed, and rehabilitation.

Appeals Process

If any party is unhappy with the outcome of the ethics panel, they may submit, in written form, an appeal offering further evidence or reasoning for their request that the board reconsider their conclusion. The executive committee will then meet and consider the merit of the appeal and will determine, preferably within 72 hours, if the appeal will be heard. If so, the same process is engaged as described above, but limiting all discussion and deliberation to the new information or new reasoning which warranted reconsideration.

It should be noted that a reconsideration of the outcome of the ethical investigation should not be based on concerns about hurt feelings, misunderstandings, or wanting to make all parties happy (which is the purview of the Sangha Advocacy Council) but to incorporate perspectives or information not included in the original investigation. If the appeal is rejected, further interpersonal work should be redirected to the Sangha Advocacy Council. Indeed, no matter the outcome of an ethical investigation, the Sangha Advocacy Council should be utilized to help create peace and mutual understanding, if at all possible.

In conclusion, let us remember that this document is a work in progress. On the one hand, we commit to addressing conflict and misconduct with a humble mind, aware of our own delusions, confusions, and not-knowing. On the other hand, we commit to continuing to grow in clarity, wisdom, and discernment as we strive to cultivate ethical community. We commit to working together to co-create a community that seeks a healthy balance between safety and liberation, peace and growth, kindness and truth.