

# Ethics & Grievance Procedure

## Background

The Santa Cruz Zen Center ethics statement and grievance procedure has been under development for many years. We began in the early 1990's when a few students in a precepts class created a first draft. After community discussion, another group continued developing the statement. By this time, many other Zen Centers around the country were also drafting their own ethics statements so this second group of writers was able to augment their thinking with some of the work of other Buddhist centers.

In 1999, a second draft was presented to the Practice Committee, (a group which consults with Katherine Thanas about practice issues). Many of the thoughts in this second draft were also discussed at a subsequent community meeting, following which the Practice Committee further edited the document.

When the board received the revised version, additional refinements were made, and on March 19, 2000, the board approved a version. This version was presented to the general membership at an All-Sangha meeting on April 2 and the suggestions recommended at that time have been incorporated into the present document.

SCZC's Ethics Statement was developed before there was such an entity as Soto Zen Buddhist Association (SZBA), an organization whose stated purpose is as follows:

"The Soto Zen Buddhist Association is organized to preserve and promote the Buddha-dharma through the teaching and practice of Soto Zen Buddhism in North America, and to facilitate trust, respect, communication, ethical conduct, and education among the many sanghas of Soto Zen lineages and in the wider community. Its purpose is also to compassionately widen the transmission of Dogen Zenji and Keizan Zenji's practice and understanding in the Western World."

In 2013, the Practice Committee reviewed and compared SCZC's Ethics Statement & Grievance Procedure to the SZBA's Ethics Statement. The majority of SCZC's Ethics Statement aligns with SZBA's Statement. The Practice Committee recommendations and discussion points were brought to the Board of Trustees on March 26, 2013 to consider adding sections related to drug & alcohol use and fiduciary responsibilities so that these sections are explicit and in alignment with SZBA's Statement. In August, 2013, the Board of Trustees approved the revisions.

## Ethics Statement

This ethics statement is created in support of the purpose of the Santa Cruz Zen Center, which is to embody and communicate the teachings of the Buddha. Our understanding of the non-duality of

wisdom and compassion, practice and realization, has been conveyed through the Soto School of Japanese Zen. The focus of the Zen Center is on the integration of Zen practice and everyday life.

As community life is an integral part of our practice at Santa Cruz Zen Center, this document is an effort to awaken us to the complexity of our relationships with one another, and the possibility of harm that can result when we are unaware of the interconnection of motivation, behavior and consequence. We do not think this statement fully explores or expresses the complex and mysterious possibilities of human behavior. We see it as an initial step toward defining a wholesome personal and community life.

The sixteen bodhisattva precepts are the basis for the conduct of community relationships as well as individual practice.<sup>1</sup> We recognize the primacy of these precepts as guides for sangha members, teachers, and visitors.

Affirming our intention to walk in the way of Buddha, we acknowledge the impulses, conditions and tendencies arising in each moment and make effort not to act on those impulses or tendencies that may result in harm to ourselves or others. We aspire to make our best effort in this practice while acknowledging that we may fall short of our ideals on any occasion.

It is also our intention that the Santa Cruz Zen Center be a place where all people can practice in a safe and open environment. When our diversity appears to separate us, our practice is to engage in a careful process of recognizing, understanding, and appreciating our differences. In so doing, we affirm and respect our differences and similarities in whatever dimension they arise.

Although our practice at Santa Cruz Zen Center is warm-hearted and close, we acknowledge that within the intimacy of practice, conflicts, issues of sexual attraction, abuse of power and/or confidentiality may arise between members, and between students and teachers.

## Ethical Standards

### **Sexuality & Relationships**

At Santa Cruz Zen Center it is considered a misuse of authority, responsibility, and sexuality for a teacher or visiting teacher to engage in sexual behavior with a student.

Special care must be taken when people of unequal status or authority enter into a personal relationship because those in a formal role may have clear advantage or influence in such relationships. In particular, care should be shown toward new students. We have learned that it takes time for a new student to establish the foundation of his or her practice. Therefore, before

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<sup>1</sup> For a good introduction to the precepts we refer you to the following books (which can be checked out from our library or purchased in Santa Cruz): *The Heart of Being: Moral and Ethical Teachings of Zen Buddhism*, by John Daido Looi; *The Mind of Clover*, by Robert Aitken; *Guide to the Bodhisattva Way of Life*, by Santideva; *Meaningful to Behold*, pgs. 50-60 and 132-141, by Geshe Kelsang Gyatso; *Returning to Silence*, pgs. 78-87, 88-90, 91-96, by Dainin Katagiri-Roshi; *What the Buddha Taught*, by Walpola Rahula; the precept study book in our library; and the "Refuges" section and "Precepts" section of this document.

forming a sexual relationship with another student, all persons in a formal role at Santa Cruz Zen Center should discuss the appropriateness of the potential relationship with a practice leader or person in authority.<sup>2</sup>

Continued expression of sexual interest after being informed that such interest is unwelcome is also a misuse of sexuality, even when it occurs between students.

Members are encouraged to discuss any questions or concerns they may have about these issues with someone on the Board.

### **Fiduciary Responsibility**

SCZC has the expectation that individuals in authority will respect and abide by the Bylaws, financial policies and decision-making procedures of the Board of Trustees and all chartered sub-committees of the Board knowing that the Board of Trustees carries the fiduciary responsibility for SCZC.

### **Illegal Intoxicants**

No illegal intoxicants will be used on SCZC property.

### **Confidentiality**

Students at Santa Cruz Zen Center should feel that they can fully explore the dharma and study the self in an atmosphere of trust. SCZC practice leaders and visiting teachers should not disclose information they receive in dokusan or private practice discussion, unless serious harm may result to individuals or to the sangha if the information is not disclosed. Practice discussion is an intimate meeting between student and teacher and should be treated as such by both. Intimate communication taken out of context can easily be misinterpreted and can undermine the trust and commitment between student and practice leaders or person in authority.

Sometimes either one may consult with someone outside the relationship. When the conscious intention of that communication is to clarify feelings and/or understanding of the teaching, not to circumvent or undermine the student-teacher relationship, such conversations can support and strengthen the sangha.

Discussions that arise in class should be considered privileged also and discretion used when discussing class conversations outside of class. Using discretion means paying attention to how we speak: not slandering, not being hypocritical, not gossiping. We practice using language that does not set “you” apart from “me” and does not create solid objects (personalities) “outside” or “inside”.

### **Conflicts Between Members**

When an interpersonal conflict arises, it is essential that it be attended to fully. This involves waking up to our own personal contribution to the suffering in these situations through awareness

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<sup>2</sup> Sangha members in a formal role include priests, board members, managers, and zazen instructors.

of our reactions, emotions, and attachments. This involves taking the time to discuss the conflict directly, when possible, with the other parties involved, in an attempt to clarify the actual causes and conditions of the situation, and the feelings and responses that arose.

When possible, disputes and disagreements should be resolved informally and directly between the people involved. (See Attachment 1: Guidelines for Informal Resolution of Conflicts and Attachment 2: Ceremony of Reconciliation.) However, we recognize that for certain grievances, complaints, and conflicts, informal resolution may not be possible. For these situations, we offer a Formal Grievance Procedure (see Attachment 3) through the Board of Directors, for resolving disputes concerning administrative decisions or actions and for addressing perceived misconduct by sangha members.

### **Dual Relationships**

Mental health and/or other professionals are asked to be sensitive to the possible complexity of dual relationships that may arise when both parties practice at the same dharma center. Therefore, SCZC practice leaders and sangha members in a formal role at Zen Center who work as psychotherapists should avoid drawing clients from the sangha.

### **Guidelines for Informal Resolution of Conflicts**

The suggestions 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. We make these suggestions because we understand that despite differences of opinion we meet in the identity of our Buddha nature.

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 opportunity to speak. Invited facilitators can be anyone whom both parties respect: e.g., neutral acquaintances, or people who are trained in mediation.

#### **1. Being Heard**

It is important that everyone be given an opportunity to be fully heard. This means that everyone be given a chance to recount how they remember the history of the conflict, to state their feelings regarding the conflict, and to explain the goals they have for its resolution. Each person should have a chance to speak, uninterrupted by questions or comments from others. Taking calm, deliberate and adequate time to listen to each other is often all that is needed for reconciliation to begin.

#### **2. 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.

### **3. Acknowledgment of Shared Responsibility**

Resolution and reconciliation is greatly facilitated if everyone involved reflects on how he or she may have contributed to a conflict and then explains this to the other. Self-reflection by all can provide a safer, more trusting environment for everyone.

#### Ceremony of Reconciliation

(This ceremony is one means through which people in conflict can seek reconciliation. We suggest the guidance of a priest in conducting this ceremony.)

Incense offering

Formless repentance:

*All my ancient twisted karma*

*From beginningless greed hate and delusion*

*Born through body speech and mind*

*I now fully avow*

Dedication:

- Ceremony of forgiveness for injuries caused or imagined;
- Ceremony of forgiveness for the self;
- Ceremony of healing (of this relationship) and rededication to the harmony of the sangha.

We wish our life within the sangha to express our bodhisattva intention. The bodhisattva path is our heartfelt response to suffering. Turning away or skimming over suffering through avoidance, silence, rationalization, assigning blame, minimizing, feeling self-deprecating guilt or not listening deeply to its causes and conditions are a cause of additional suffering.

When a conflict, grievance, or violation of the precepts arises in our interpersonal relationships it is essential to attend to it fully. This involves waking up to our own contribution to the suffering through understanding our reactions, emotions and attachments. It also involves taking the time to discuss the conflict with the other party in an attempt to clarify the actual causes, conditions, feelings and responses that have come together in a situation.

1. What is it you appreciate about each other?
2. What are you afraid of (about the other)?
3. What do you want to ask for (from the other)

## Three Refuges

We take refuge in Buddha. We acknowledge the Buddha nature of all beings. Fundamentally everyone is equally the expression of Buddha nature.

We take refuge in Dharma. We acknowledge the wisdom and compassion of the bodhisattva way of life.

We take refuge in Sangha. The harmony of the sangha is our most precious treasure. We acknowledge the central role that community life has in our practice. We aspire to create an inclusive environment for everyone's engagement in the Bodhisattva way.

## Precepts

We understand precepts are not intended to be followed literally, as rules. They are an expression of the enlightened mind. We practice with them to understand those moments of our lives where we may violate our own intention to live truthfully, in clarity, and in support of all life. In our tradition, precepts are intended to be investigated through our body, speech and mind.

## The Three Pure Precepts

**TO DO NO EVIL** This means to refrain from causing harm to oneself, to others, to animals, plants, the earth, the waters and to the air.

**TO DO GOOD** This means to uncover and act from the loving kindness, compassion, sympathetic joy and equanimity of our awakened nature.

**TO SAVE ALL BEINGS** This means to offer everyone the opportunity to discover and express his or her awakened nature. We recognize the importance of maintaining a balance between an individual's negotiation of the Way and the community's collective religious and institutional needs. When there is a perceived conflict between these, the process of open communication and clarification is a practice of "saving all beings".

## The Ten Essential Precepts

1. A disciple of Buddha does not kill but rather cultivates and encourages life.

This precept expresses the bodhisattva's intent to live compassionately. Not killing can also be understood as not harming, especially not harming the body or psyche of another. Extreme displays of anger and maliciousness are a kind of "killing".

2. A disciple of Buddha does not take what is not given but rather cultivates and encourages generosity.

This precept expresses our commitment to live from a generous heart rather than from an acquisitive mind. We recognize that the misuse of authority and status is a form of taking what is

not given. It is important that individuals in positions of trust do not misuse their status or authority as a way to inappropriately influence others.

3. A disciple of Buddha does not misuse sexuality but rather cultivates and encourages open and honest relationships.

We acknowledge that sexuality is a field of practice, as are all parts of our lives, and we aspire to bring a compassionate heart and mindful awareness to our sexual relationships. In the midst of sexual desire, practice encourages us to become conscious of our unresolved issues around affection, friendship, motivation, power and control.

4. A disciple of Buddha does not lie but rather cultivates and encourages truthful communication.

Within community life, lying can entail the deliberate withholding or misrepresenting of information. Many difficulties would not arise were there not an element of deceit involved. Lying to oneself, to another, or to one's community obscures the nature of reality and hinders the intention of bodhisattva practice.

We are entitled to straightforward, complete information when we request feedback regarding our behavior, standing or performance within the community. We should feel that we can fully explore the Dharma and study the self in an atmosphere of trust.

5. A disciple of Buddha does not intoxicate self or others but rather cultivates and encourages clarity.

Bodhisattva practice occurs within the context of clear presence and mindful awareness, and a state of mind that is not conditioned by intoxicants. When clarity is lost, it is easy to break the precepts. It is our intention that Zen Center be an environment that supports those who are attempting to live without intoxicants. In this context, "intoxicants" may refer not only to drugs, alcohol, caffeine, sex, etc. but to Buddhist teachings as well.

6. A disciple of Buddha does not slander others but rather cultivates and encourages respectful speech.

False and malicious statements in and of themselves are acts of alienation from oneself and others. The consequence of slander is often pain for others and divisiveness within the community. Where the intention to slander does arise, the effort to understand its roots is an expression of this precept.

7. A disciple of Buddha does not praise self at the expense of others but rather cultivates and encourages self and others to abide in their awakened nature.

Praising oneself or seeking personal gain at the expense of others arises out of a misunderstanding of the interdependent nature of self. It is sometimes necessary, within the community, to question

or criticize the action of certain individuals. When doing so, one should pay careful attention to one's motive and intention and to the specific content of what is said and to whom.

8. A disciple of Buddha is not possessive of anything but rather cultivates and encourages mutual support.

Neither the resources of the community nor any position are the possession of any one person. It is not appropriate for anyone to use his or her relationship to the Center for personal gain or fame at the expense of the sangha or the practice of its members. Decision-making bodies aspire to make decisions in a cooperative and accountable manner, and with a wholehearted effort to consider all points of view. It is particularly important that the community's finances, decision-making structure, and minutes of major decision-making bodies be available in an accessible and understandable form.

9. A disciple of Buddha does not harbor ill will but rather cultivates and encourages loving kindness and understanding.

The harboring of ill will is a poison. More corrosive is the harboring of ideas of revenge. Sangha members having conflicts or tensions with others should attempt to resolve them with the person/s directly involved in a spirit of honesty, humility and lovingkindness. If informal resolution is not possible, mediation should be sought as a way to clarify the difficulty.

10. A disciple of Buddha does not abuse the Three Treasures but rather cultivates and encourages awakening, the path and teaching of awakening, and the community that takes refuge in awakening.

The three treasures are inseparable from each other. To abuse any one of them harms the other two. Community life is an important source of information about our awakening and our practice. To acknowledge our transgressions, to seek reconciliation and to renew our commitment to the precepts is the working of our Buddha nature and re-establishes our place in the sangha. When the sangha is complete the Three Treasures are manifest.

## **Formal Grievance Procedure**

A formal grievance procedure is available when informal attempts at reconciliation have been exhausted or are deemed inappropriate. The prime purpose of the formal grievance procedure is to come to a decision regarding the specific issue or complaint submitted.

The Ethics and Reconciliation Committee, a subcommittee of the SCZC Board, receives formal grievances. The Ethics and Reconciliation Committee consists of three board members: an officer, an at-large member, and one other. Its task is to resolve conflicts and promote harmony in the sangha, not to assign blame or mete out punishment.



A formal grievance is initiated in the following way: (1) A written complaint is given to the President of the SCZC Board, describing the alleged behavior, and including a summary of informal attempts used to try to resolve the conflict. (2) The Ethics and Reconciliation Committee meets within thirty days, reviews the complaint, and decides whether a formal grievance procedure is warranted or whether other informal or administrative channels should be attempted first. If necessary, the Ethics and Reconciliation Committee may request further information from the person filing the complaint. (3) If the Ethics and Reconciliation Committee agrees that a formal grievance procedure is warranted, one or more meetings are then held with the Ethics and Reconciliation Committee and the parties involved in the grievance.

All ethical concerns will be handled seriously and confidentially. Ethics and Reconciliation Committee members will work out the form of any discussions on a case-by-case basis after consulting with the individuals involved. Any resolution or action that follows evaluation will also be handled on a case-by-case basis.

A community that has been subjected to clergy misconduct or other breach of trust can be deeply injured. Should this occur, we will call upon specially trained people who can support an intervention and a resolution.<sup>3</sup>

**Reference:** Soto Zen Buddhist Association Ethics Statement

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<sup>3</sup> As a resource, SCZC will maintain a list of lay and ordained people trained as mediators who are familiar with and sympathetic to the function and purpose of Soto Zen temples and sanghas and who are willing to help with clergy misconduct intervention and conflict mediation upon request.