

Hollow Bones Zen Ethics and Reconciliation (EAR) Council

Procedures for the Attending to Conflict and Reconciliation of Grievances

Then, with each moment's arising flash of our normal feelings and thoughts, we will simultaneously recognize within us a field of pure awareness, wisdom, compassion, and skillful means.

The Ethics and Reconciliation (EAR) Council

The role of the Ethics and Reconciliation (EAR) Council is to provide support through informal and formal procedures as described in this document.

The EAR Council Standing Committee is comprised of up to four members chosen by the Friends of Zen (FOZ) Board of Directors for a 2-year term to include at least:

- One FOZ Board member
- One Hollow Bones Zen (HBZ) priest or roshi
- One Hollow Bones Zen (HBZ) jukai holder

The EAR Council is available to help sangha members in understanding the HBZ Code of Ethics and how it might guide them in working with difficult situations by

- manifesting our bodhisattva path (particularly as taught in Mondo Zen practices)
- providing support for skillful means to conflict
- promoting and assisting with reconciliation

Three choices are available*

1. Direct Resolution
2. Informal Process
3. Formal Grievance Process

1. Direct Resolution

When disagreements, conflicts, misunderstandings, and miscommunication occur, the individuals involved are strongly encouraged to seek a resolution through discussion and dialogue.

Whenever possible, conflicts should be resolved directly by the parties involved.

2. Informal Process

If direct resolution does not seem to be the best course of action, the parties are encouraged to invite counsel and mediation from the EAR Council

A first step may involve a meeting between the member(s) with a concern and a single member of the EAR Committee, who will first offer a listening ear and counsel. Through this conversation matters are sometimes clarified and resolved. Perhaps additional consultation with the full EAR Council may be helpful.

If a satisfactory resolution of the concern is not possible through consultation, the EAR Committee may offer to facilitate a dialogue between the parties. This could involve a face-to-face meeting of the parties with one or more members of the EAR Council.

If consultation or dialogue between the parties is not possible or does not lead to a satisfactory resolution in a timely manner (typically, no longer than 45 days), the EAR Council may decide to conclude the informal procedure. Thereafter, one or more of the parties involved may choose to engage the formal (grievance) procedures discussed below.

Because this informal procedure is strictly optional and is not intended to be used in cases of alleged unethical behavior or misconduct, no records, minutes, or notes of the discussions or activities involved will be maintained by Hollow Bones Zen.

3. Formal Grievance Process

The role of the Ethics and Reconciliation (EAR) Council is to carry out an Ethical Conduct Review (ECR) process as prescribed in the Hollow Bones Zen (HBZ) Code of Ethics. This procedure for the reporting, investigating, and adjudicating of grievances is intended to manifest our bodhisattva path, to uphold the Code of Ethics, to provide support for skillful responses to conflict, and to promote and assist reconciliation.

In the event of a conflict that cannot be resolved or a grievance that is urgent or which concerns egregious behavior, a formal grievance may be submitted to the Hollow Bones Zen EAR Council. This formal grievance should be made in writing to any member of the EAR Council and must contain the following:

- A clear statement that a formal grievance is being filed.
- The name and contact information of the person filing the grievance.
- The name of the person or persons whose behavior the grievance concerns.
- A detailed description of the incident and alleged behavior that demonstrates a violation of the HBZ Code of Ethics.
- A description of any attempts made to informally resolve the conflict.
- A general statement about the resolution desired.

EAR Council Membership for Formal Grievances

- The EAR Council Standing Committee
- A member (HBZ jukai holder, priest, or roshi) chosen by the party filing the grievance
- A member (HBZ jukai holder, priest, or roshi) chosen by the party named in the grievance

Hollow Bones Zen Ethics and Reconciliation (EAR) Council Procedures for the Reconciliation of Grievances

The EAR Council will acknowledge receipt of the grievance within seven calendar days. The EAR Council will then convene within fourteen calendar days to begin the process of hearing the relevant details of the grievance, to investigate as needed, and to speak to all parties involved. Throughout the process, the EAR Council will send periodic updates to the parties at least every 30 calendar days.

Compassionate Action

Compassionate Action recommended by the EAR Council is limited only by the legal authority of Hollow Bones Zen and may include but is not limited to the following:

1. A finding of no ethical breach while acknowledging the existence of a concern that requires further action
2. A recommendation for mediated resolution of the matter
3. An administrative decision or action or reversal of a standing administrative decision or action
4. The amendment of an existing Hollow Bones Zen Code of Ethics policy or procedure or the adoption of a new policy or procedure
5. A private or mediated apology
6. A public apology to the aggrieved party or the Hollow Bones Zen Community as a whole
7. Period of sabbatical for inner work as appropriate
8. Suspension of certain responsibilities or positions with terms set as appropriate

Upon completion of its review, the EAR Council will then issue its decision to all parties involved in the grievance. If complaints are resolved to all parties' satisfaction, only general information about the complaint and resolution will be shared with the FOZ Board of Directors. Identities will not be shared unless there is a compelling reason, i.e., legal. Documentation of the EAR Council review and decision will be given to the ethics representative of the FOZ Board of Directors for retention.

Appeals Process

If any of the parties involved wish to appeal the decision of the EAR Council, a written request must be made to any member of the FOZ Board of Directors. The written request must include the following:

1. A statement that an appeal to an EAR Council decision is being filed
2. A copy of the formal grievance submitted to the EAR Council
3. The decision rendered by the EAR Council
4. The reason for the appeal, including any aspects of the decision that were satisfactory
5. A general statement about the resolution desired

The FOZ Board will acknowledge receipt of the appeal within seven calendar days. The FOZ Board will then convene within ten calendar days of that acknowledgement to designate two people (vice abbots, board members, executive director, roshis, or priests) to serve on the Appeals Board to hear the appeal, with attention to any diversity needs. The FOZ Board may also appoint consultants and

advisors as needed. The appointed people will convene within seven calendar days of their appointment to begin the process of hearing the appeal. During the entire process, the Abbot (unless named in the grievance) will be kept fully informed.

Throughout the process, the Appeals Board will send periodic updates to the parties involved, at least every 30 calendar days. Upon completion of its review, the Appeals Board will then inform the full FOZ Board of Directors, the EAR Council, and the Abbot of their decision. The Appeals Board will then issue its decision to all parties involved in the appeal.

This decision will be final.

Note

* Information at any level will remain confidential to the EAR Council. The FOZ Board of Directors and the Abbot will be informed of the number and status of grievances, with any named parties excluded, at their quarterly meetings.

If disclosure to authorities is mandated by local, state, or federal law, the Friends of Zen (FOZ) Board of Directors and Abbot will be informed of all pertinent information.

Hollow Bones Zen Code of Ethics

The purpose of our Ethics Policy is to support a culture of integrity, trust, and openness based on reason and fair-mindedness. The core principles of ethics are broadly shared human fundamentals, and as such, they are trans-cultural and trans-religious. These key concepts and principles help guide us in establishing what actions help or harm sentient beings and the environment in which we live.

Ethical reasoning is distinguished from cultural mores and morality by the empathetic recognition and understanding that our actions have direct consequences on the well-being of all life around us. Our conduct can either increase or diminish this quality of life.

In the Hollow Bones Zen Order our code of ethics is based on 5 traditional Buddhist precepts (enumerated below). We take these precepts voluntarily, intuitively recognizing the value in establishing skillful action for positive benefit in life. The summary of all precepts can be stated as non-harming and respect.

It is important to understand ethical reasoning not as external rules and regulations of behavior, but rather as internal reasoning that nurtures an evolving natural empathetic realization of the true interconnection of all life, and the dramatic impact of our thinking and subsequent actions. All people have the responsibility to investigate their own motivations and intentions, and then to directly intervene with courage and integrity to do that which is consistent with their realization and insight through ethical reasoning. Intervening in our own internal reasoning process is necessary due to our human capacity for self-deception and rationalization.

These 5 traditional Buddhist precepts represent the basis of non-harming and respect, as a way of being. They are expressed here in the first person – the declaration form – where we each take conscious responsibility. Examine and consider their significance and relevance to ethical living.

1. Recognizing our interconnection and for the purpose of cultivating benefit for all beings, I undertake the precept of refraining from killing. I acknowledged our interconnection and have respect for all life. Core to this understanding, I agree to non-harming in all my actions.
2. Recognizing our interconnection and for the purpose of cultivating benefit for all beings, I undertake the precept of not taking what is not freely given. This includes awareness and respect of the planet's resources, in dealing with finances, and the sharing of knowledge.
3. Recognizing our interconnection and for the purpose of cultivating benefit for all beings, I undertake the precept of intelligent use of speech. I speak what is true and useful and refrain from gossip. I keep in confidence what is told in confidence. I cultivate clear communication based in ethical reasoning, non-harming and loving-kindness.
4. Recognizing our interconnection and for the purpose of cultivating benefit for all beings, I undertake the precept of refraining from harming others with sexuality. I honor my relationships according to my agreements and honor others in accordance to their agreements.
5. Recognizing our interconnection and for the purpose of cultivating benefit for all beings, I undertake the precept of refraining from abuse of intoxicants.

Relationships and Intimacy

Our practice is one of intimacy. It can be warmhearted and close. Relationships between teachers and students, as with therapeutic relationships, can involve powerful conditions including projection, transference and counter-transference. In addition, there are the complexities found within the power differential that exists between a teacher and a student. With these various circumstances it may be tempting to cross a line from spiritual intimacy to romantic or sexual intimacy. Romantic or sexual relationships tend to confuse the other aspects of the particular kind of intimate interaction necessary for a safe and successful teacher-student relationship.

Sexuality is a natural part of life and as a non-celibate sangha, sexual intimacy is going to be a cherished part of our shared lives. However, those who teach have additional responsibilities and our covenant includes several commitments regarding sexual behavior.

Any priest, senior assistant or transmitted teacher should avoid romantic relationships with a sangha member. However, if a priest, senior assistant, or transmitted teacher finds a romantic relationship beginning with a member of the sangha they will inform the EAR Committee of this relationship and seek guidance as to the most healthful way to proceed. If a priest, senior assistant or transmitted teacher fails to disclose the romantic relationship, and if the EAR Committee learns of the relationship, then the EAR Committee or a designee selected by the EAR Committee may intervene to determine the most healthful way to proceed.

If the sangha member involved in the romantic relationship is not a priest, senior assistant or transmitted teacher, the EAR Committee will also be available to this person to listen to any concerns and determine the most healthful way to proceed.

If the people involved are in a formal teacher-student relationship, a choice must be made between either pursuing that romantic relationship or continuing the teacher-student relationship, but not both. The EAR Committee may assist in this decision-making process. A resolution should be achieved with as little delay and as much openness and transparency as humanly possible.

Professional Conflicts

Many of our members are psychotherapists, coaches, physicians, attorneys, contractors and others who may offer services to other members of our sangha. It is important to be mindful of the complexities that can arise in dual relationships, and while we do not discourage these relationships, we ask all to be mindful of potential abuses. Teachers, psychotherapists, ministers and other professionals are expected to abide by the ethical codes of their professions. Teachers and others in authority in Hollow Bones Zen have a responsibility to anticipate and avoid potential conflicts of interest. All matters of a financial nature among members of the sangha should be engaged in with open hearts and clear heads. If there are questions or concerns about conflicts of interest, it is appropriate to bring these to a member of the EAR Committee