

Ethics Policy

The opening paragraph of our No Rank Zendo Bylaws states that our mission is:

To provide a means for practicing, training in, and receiving the transmission of Rinzai Zen Buddhist teachings as handed down in our particular tradition. To provide for a compassionate and responsive environment in which to take refuge in the three treasures — Buddha, Dharma and Sangha. To be open for people of all sexual, gender, ethnic and cultural orientations and backgrounds. To provide opportunities for training primarily to lay practitioners but also to those engaged in priest training. To provide regular religious services for members and the community at large. To serve the community in accord with our first great vow, to care for all beings and in a wish to embody the Dharma as servants to all that is good.

The No Rank Zendo community provides training, support, and growth for its members and attendees from a place of care and compassion for all. However, despite our intentions and aspirations to care for all beings and to embody the Dharma as servants to all that is good, sometimes professional and ethical misconduct can occur that directly undermines these intentions.

Therefore, the following policies have been established to address those occasions when a member of our sangha is accused of professional misconduct or ethical violation. These guidelines and policies apply to every member of our sangha, but especially to those members who hold positions of power and influence, such as the Abbot, priests, and teachers.

A. What is an Ethical Violation?

“Ethical violations” refers to conduct which causes serious harm to individuals or to the community. Though they are rare, they do occur in spiritual communities like ours.

Ethical violations are of a different order of magnitude from the potentially distressing and disruptive behaviors that occur frequently in our interpersonal relationships. Such disruptive behaviors must also be addressed in order to preserve harmony within our sangha, and the processes by which those types of disruptions will be addressed are laid out in our Restorative Process Procedures document.

Because of their seriousness, potential ethical violations require a careful investigative process. In some instances they will also require immediate action, such as temporarily suspending someone from a position of power, or intervening specifically to stop behavior that is deemed dangerous or harmful.

Ethical violations can be actions that are illegal and may require legal action, as in the case of theft. Or an ethical violation can be unethical conduct, such as sexual misconduct or bullying that impacts the safety of individuals and undermines trust.

Even when not punishable by law, unethical conduct cannot be permitted to recur. Thus complaints of ethical violations require careful investigation. This process is quite

different from the restorative processes described in the Restorative Process Procedures document.

As we seek to address all complaints of ethical violations and professional misconduct, it is crucial that kindness and fairness to all parties guide our investigative processes, just as they do our restorative processes.

Examples of Ethical Violations

1. *Misuse of community funds.* Unless contracted by the No Rank Zendo (NRZ) Board of Directors for services deserving payment, no funds from NRZ shall be used for personal gain.
2. *Acting in direct contradiction to the Board of Directors.* The Board of Directors 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 guidelines and sometimes gives specific directions regarding behavior, policy and financial expenditures. If someone knowingly acts in direct contradiction to the Board of Directors, this is an ethical violation.
3. *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.
4. *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 someone says that such interest is unwelcome, is a misuse of sexuality and an ethical violation.

Because of the inherent power differential between the Abbott, priests, and teachers and lay practitioners, it is inappropriate for the Abbott, a priest, or a teacher to make any expression of sexual interest to another sangha member for the purpose of furthering or deepening a relationship, satisfying their own sexual needs, or arousing sexual interest. Doing so is an ethical violation.

We acknowledge that 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 the context of deep spiritual practice, sometimes sexual energy arises. Confusion about one's own sexuality may emerge. Mature discussion between two people may be appropriate and even necessary. However, continued talk about one's confusion or attraction may not be welcomed and should stop whenever the other person asks that it stop.

The line between what constitutes mature sexual talk and sexually inappropriate speech hinges on mutual consent and intent. 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. The sexual talk

should stop 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 in a one-on-one setting.

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. For example, in public discussions of the precept on sexuality, it is impossible to have a mature and frank discussion without talking about sex. These public statements may be uncomfortable to some, but if they are not meant to arouse or titillate but to teach and inform, they are not regarded as sexual harassment. A person who is uncomfortable should care for themselves by leaving the setting and/or seeking guidance from the Restorative Process Procedures.

Teachers must never have sex with their students or seek to have their sexual needs gratified by a student: these actions are clearly ethical violations.

5. *Other examples* of behaviors that may constitute ethical violations include the use of physical violence, abusive language, bullying, and the unjust use of people for personal advantage. For example taking advantage of someone's willingness to train for personal advantage, or lying or speaking ill of others for personal gain.

B. Gray areas

There is a wide range of behavior within which ethical violations may arise. At one extreme, such as physical or sexual violence, a behavior requires police involvement. At another extreme, a particular behavior might be seen as a minor error of judgment or over-impulsiveness, which can be responded to with restorative processes. In between these extremes there will be gray areas requiring deep discernment on the part of investigators.

Complaints involving boundary violations may be particularly likely to fall into these gray areas. "Boundaries" describe the physical, psychological, and cultural 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, accept their separate needs and expectations, and act appropriately. 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, speaking in ignorance or forgetfulness of a cultural sensitivity). For the most part, these boundary violations can be addressed by the people involved, and the concerns they lead to should be addressed by the Restorative Process Procedures.

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

C. Dual relationships and potential problems

The term “dual relationship” denotes more than one kind of relationship existing between the same two people. For example, if someone is both your friend and your business partner this is 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. For instance, a spiritual teacher, sensei or priest often meets a sangha member’s core needs through spiritual guidance. If 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.

Hurt feelings and conflict are normal parts of human interaction, but they are especially potent between student and teacher. The student trusts the teacher to help guide their spiritual life and thus trusts the teacher to put the student’s needs above the teacher’s own. Indeed, the teacher is asked to protect the student from the teacher’s own core needs. Thus for the most part, when there is this kind of clear power differential, dual relationships should be avoided. This is not to say, however, that when a teacher goes to coffee and enjoys a certain level of friendship with a sangha member, this is an ethical violation. Dual relationships become unethical only when the teacher, in this instance, gains at the expense of the student. So this is another example of a gray area requiring deep discernment and community wisdom.

D. Procedure for the investigation of a possible ethical violation

What follows is an outline of investigative steps to be taken in response to a complaint about a possible ethical violation. These steps are to be taken by the NRZ 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. They will be patient with parties who may understandably feel deeply upset by what is happening. They will act with sensitivity to any power imbalances inherent in the particular situation (such as the relations between student and teacher, people of color and white people, men and women, cis-gendered and transgendered people, people with different sexual orientations, people with disabilities and those without disabilities, abbot and unsui). They will act expeditiously, they will maintain confidences, and they will keep the parties informed about what is happening. Board members who have conflicts of interest in regard to any of the parties in the complaint should not participate in any part of this process.

1. Someone makes an ethical complaint.

A person may make a direct ethical complaint to any member of the board or to the Abbot. The board member or Abbot must then bring the ethical complaint to the full Board of Directors 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.

Anyone engaged in any aspect of a restorative process procedure may at any time make a complaint to the board, and any board member or the Abbot may also make the complaint at any time.

2. The Board of Directors receives the complaint and determines whether it is a possible ethical violation warranting investigation.

This will happen in several steps:

First, the board member who receives the complaint will forward it immediately to the board president, who will then draw together the members of the entire Board of Directors, including the Abbot, to consider the merits of the complaint. If any member of the board or if the Abbot is the subject of the complaint, they will not be permitted to take part in this process.

All efforts will be made to hold this meeting within 72 hours of the receipt of the complaint. If a meeting cannot occur within that time, the earliest possible date must be scheduled and that date must be made known to all members affected by the complaint. (Because of the potentially extreme nature of an ethical complaint and because of the possible risk to the safety of the sangha, when an ethical complaint is made, the board should treat it as one would an emergency.)

In determining whether or not the complaint warrants investigation, among the questions the executive committee should 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?

As soon as possible, members of the board should talk with both parties (or all parties if more than two are involved) individually and with discretion to try to get as clear a sense of the situation as is possible at this stage. Both the complainant and the person about whom the complaint is made should be given the opportunity to submit written statements.

If the board at this stage determines that there is a reasonable possibility that a crime legally requiring police or social work intervention may have been committed, appropriate authorities should be notified.

If the board determines that the complaint does not constitute an ethical violation, the parties should be informed, and they should be asked to address the concern with the help of the Restorative Process Procedures.

If the board determines that the complaint requires immediate action to stop behavior deemed dangerous or harmful, they are empowered to take this action at once.

If the complaint warrants investigation, the board will inform both parties and call a meeting to, (1) determine whether any additional actions are needed (such as temporarily suspending someone from a position of power) and (2) form an ad hoc Ethics Panel to carry out an investigation.

3. The board appoints an Ethics Panel to carry out an investigation.

If a meeting of the full board is called, it should take place within a week of the initial complaint. Ideally it will include all members of the board. Board members who can't attend in person will be invited to attend electronically. If the meeting cannot occur within a week, it must be scheduled as soon as possible.

At this meeting, after deciding whether any additional action is needed (see 2.c above), the board will form an ad hoc Ethics Panel made up of at least three people with some level of expertise and experience in the matter of ethics and healthy boundaries and other issues relevant to the particular complaint. Generally, these people will be sangha members, but the board could include someone from outside the sangha if they think this is desirable in a specific situation. Panel members should not have any conflicts of interest with anyone involved in the investigation.

If the Abbot, a teacher, or priest is being investigated, the Ethics Panel may be formed differently. So that students will not have to investigate their own teacher, the board can appoint or hire a contingent of at least three individuals from outside the immediate sangha, well versed in ethics, having a level of expertise in the area of concern, ideally having some Zen training, and able to begin work right away.

The board will also designate a member (usually the board president) to be a consultant to the panel. This person will not sit with the panel or participate in the investigation, but will answer any questions the panel (especially if it is made up of persons outside the sangha) have about Zen practice and other aspects of life and practice at NRZ. The panel may also ask the consultant for practical information, such as how to contact a particular person. Throughout the investigation, the panel will keep the board consultant informed about its activities and progress.

4. The Ethics Panel carries out an investigation.

The panel will immediately begin to gather information, with tasks assigned to each member of the panel. The panel will aim to complete this process within two weeks.

Information can be gathered in any order. If needed information cannot be obtained within two weeks, a clear deadline should be set, with the whole information gathering process occupying no more than four weeks. (Material not gathered within four weeks will be deemed irrelevant to the current investigation; if a piece of information is brought forth at a later date, a new complaint or appeal can be filed.)

All parties to the complaint should be heard right away. One panel member will be assigned to each person in the complaint, and will hear and relay that person's viewpoint to the full panel. These point persons will be the empathetic ear to the person to whom they are assigned and will be a continuing liaison to the full Ethics Panel.

Another panel member will serve as facilitator for the whole process. (The facilitator of the panel may not also serve as a point person to one of the parties.) Each party will be separately interviewed and asked for a written statement. Each should be approached with kindness and open-mindedness and should feel they have been fully and objectively heard. The parties should be further interviewed if more questions arise.

The parties may also submit additional information, either orally or in writing, after their initial interview and statement. Throughout the process, the point persons will keep the parties informed about the nature of the process, will respond to their questions, will inform them if others are being interviewed and/or asked for statements, and will continue to check to make sure each feels heard.

Support Persons

Each party should also be told they may, if they wish, choose a support person to be present with them during interviews, and to assist them to communicate clearly, observe, and ask questions.

The panel's facilitator should also keep open a line of communication with the board member designated as a consultant to the panel, making regular reports and if needed requesting information (see the final paragraph of #3, above).

Finally, the panel and also the parties should keep written timelines of the investigation: what steps are taken, and when.

5. The Ethics Panel makes a report to the board.

Within a month of its formation, the Ethics Panel will prepare a written report. The report should organize, summarize and assess the information gathered, in accordance with, though not limited to the ethics policies articulated earlier in this document. Its chief task is to make observations and recommend a course of action for the restoration of sangha harmony and safety.

In making its report the panel will, while striving for transparency, respect the sensitive nature of information and exercise prudence in terms of sharing with the board the content of personal communications. With everyone else, it will maintain strict confidentiality.

6. The board considers the Ethics Panel's report, seeks more information if needed, establishes a finding, and takes appropriate actions.

After receiving the panel's report, the board will consider the information and recommendations. It may request clarifications from the panel and either ask the panel for more information or seek additional information for itself. After all this has been completed, it should establish a finding. It should notify the parties and the Ethics Panel of its decision.

- If the board finds that an ethical violation has been committed, it has the power and responsibility to remove people from positions of power, order departure from the sangha, request psychological counseling, request restitution, or take

other action that it deems appropriate to ensure the safety and health 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 (1) reconciliation, if at all possible, with the offended parties; (2) restitution if needed, and/or (3) rehabilitation.

7. An appeals process may be requested.

If either the complainant or the person complained about thinks the board is mistaken in its final determinations, they may submit to the board president, in written form, an appeal. This appeal should offer further evidence or reasoning for the request that the board reconsider its conclusion. This should be done within two weeks of their being notified of the board's determinations.

The board will then meet to consider the merit of the appeal. It will determine, preferably within 72 hours, if the appeal will be heard and acted upon. If it is decided that further investigation is necessary, the same investigative process will be carried out as described above, this time by the board itself, limiting all discussion and deliberation to the new information or new reasoning which warranted reconsideration.

Reconsideration of the outcome of an ethical investigation should not be based on concerns about hurt feelings, misunderstandings, or wanting to make all parties happy. It should incorporate perspectives or information not included in the original investigation. If the appeal is rejected, further interpersonal work should be redirected to the Restorative Process Procedures. Indeed, whatever the outcome of an ethical investigation may be, restorative processes should be used to help create peace and mutual understanding, if at all possible.

E. Buddhist Ethics – Principles of Sangha Life

In *Taking Our Places* (2003), Norman Fischer says, “Living an ethical life is not a simple matter. In addition to some understanding of the foundations of morality, living ethically takes a degree of courage and awareness that few of us have taken the time to develop. Have we considered ethical conduct as an active, thoughtful, challenging, and ongoing practice?”

The processes and policies outlined in this document grow out of the No Rank Zendo sangha's commitment to this practice. In it we build on the foundation of the rich Buddhist ethical heritage represented in our Sutra Books by the challenging and inspiring words of the Four Great Vows, the Commandments of the Seven Buddhas, The Ten Precepts, and the Noble Eightfold Path. They underlie our commitment to finding wise ways to work with conflict.

Four Great Vows

However innumerable beings are, we vow to care for them all.

However inexhaustible delusions are, we vow to relinquish them all.

However immeasurable gates to truth are, we vow to enter them all.

However endless the Buddha's way is, we vow to follow it.

The first of these vows is the Great Vow, from which the others stem.

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 and our earth. 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 doing good? With it, am I cultivating the purity that is my nature?

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 or reactive, going back to the map is helpful. We can use these precepts both as tools for assessment and as mindfulness practices. If we carry them as companions in our heart-mind, we are much less likely to falter and hurt ourselves or others.

The Eightfold Path

Attuned Understanding

Attuned Thought

Attuned Speech

Attuned Action

Attuned Livelihood

Attuned Effort

Attuned Mindfulness

Attuned Contemplation

This ancient and profound guide to living was one of the earliest expressions of Shakyamuni Buddha's awakening. It remains fresh today, directing us to maintain the mindful state of a clear and ethical life, and offering tools for assessment, direction and mindfulness practice.

In conclusion, let us remember that this document is a work in progress and will continue to be rewritten. On the one hand, we commit to addressing conflict and misconduct with humble minds, 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 create a community that seeks safety and liberation, peace and growth, kindness and truth.

Endnote: This Ethics Policy, along with the Restorative Process at No-Rank Zendo document, is a living document. As such it is always and forever incomplete and unavoidably insufficient in reaching its goals of support and reconciliation. Just as we rely on these documents as guides through the reconciliation process, these documents rely on all of us to bring our caring hearts and our discerning minds to them so that they too can grow, change, and improve in the ways they support this sangha.

Adopted by the No Rank Zendo Board of Directors: December 18, 2022. Version
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