

EVERYDAY ZEN PRACTICE OF ETHICAL CONDUCT

"In Zen the practice of ethical conduct is both beginning and advanced practice. While new students are encouraged to conduct themselves straightforwardly in order to learn the practice, experienced students know that their conduct is the expression of their practice in the world -- the most difficult accomplishment of all."

-- Norman Fischer, Taking Our Places

Introduction

The shared life of community is an integral part of our practice and is based on the Sixteen Bodhisattva Precepts, the heart of our Way, handed to us by the ancestors.

Embodying and bringing the precepts to life in our everyday meetings and activities is 'practice-enlightenment', living with an open mind and tender heart in awareness of our intimate interconnection with everyone and everything. The Precepts are intended to facilitate and support communication, connection, compassionate action, and safety within the Everyday Zen practice community.

We are human beings waking up through our efforts and learning from our mistakes. Dogen reminds us that 'life is one continuous mistake'. Forgiveness, of ourselves and others, is an integral part of our sangha life together.

The Three Refuges (excerpted from Taking Our Places)

We take refuge in the Buddha

'Returning to Buddha is acknowledging that our inmost nature is the nature of awareness, of awakening – that awareness is the root of our consciousness and awakening is the birthright of our life.'

While there are different levels of empowerment and religious authority at EDZ there is a mutual responsibility to meet and interact with each other with respect and integrity.

We take refuge in Dharma

‘Returning to dharma is acknowledging that we have always longed to understand life in accord with our open mind and tender heart, and that we have always wanted to live lives based on that understanding.’

Our commitment is to bring our most sincere effort to living in accord with an open heart and a clear mind.

We take refuge in Sangha

‘Returning to sangha is acknowledging that we have always been a part of an interconnected network of all beings – and that we want to embrace that fabric of connection fully, and be embraced by it, living in concert with all that is.’

We aspire to create an inclusive and responsive environment of practice. When our differences appear to divide us we are committed to deep listening and ongoing open communication.

The Three Pure Precepts

This is the aspiration and intention of a Bodhisattva and what we set our hearts upon embodying

To avoid all action that creates suffering

We commit ‘to restraining ourselves from doing or saying – even, as much as possible, from thinking – things that will cause harm’

To do all action that creates true happiness

We commit to ‘discover and do that which is wholesome and promotes not a superficial but a lasting happiness’

To act with others always in mind

We commit ‘to act to avoid suffering and to promote happiness unselfishly in order to benefit others, not only ourselves.’

The 10 Clear Mind Precepts

How we manifest our maturity in the world.

1. Not to kill but to nurture life.

We commit to 'cultivate an attitude of respect for each other and all living beings, because they are living beings and part of the network of life.'

2. Not to steal but to receive what is offered as a gift

We commit to cultivating and living from generosity rather than interacting from places of fear, narrowness and contraction.

3. Not to misuse sexuality but to be caring and faithful in intimate relationship

Acknowledging and honoring our sexuality is part of creating an environment where conscious, mindful and compassionate relationships can be cultivated.

Everyone coming to EDZ has the right to the safety and respect of appropriate sexual boundaries and to be free from harassment. Continued expression of sexual interest after being informed that such interest is unwelcome is a misuse of sexuality. It is considered a misuse of authority and responsibility for an EDZ teacher to engage in sexual behavior with a student.

4. Not to lie but to cultivate and encourage truthful communication

Clear and truthful communication is essential for the health and well being of human interactions and within the EDZ community. We commit to trying to remain aware of our own motivations and desires and to speak truthfully out of concern for the well being of all involved.

5. Not to intoxicate with substances or doctrines but to promote clarity and awareness.

We commit to bringing awareness and clarity to the ways that we escape and avoid difficult or unpleasant situations and to meet reality as it is. 'Everything we feel and experience in our lives is our gift and our responsibility'

6. Not to speak of other's faults but to speak out of loving-kindness

'No matter what you need to say to or about someone in whatever circumstances, it is always possible, and even necessary in the long run, to speak from a heart of kindness and understanding.' The ongoing health and well being of the EDZ sangha depends on this.

7. Not to praise self at the expense of others, but to practice humility

While we rejoice in our wholesome qualities and deeds, praising oneself or seeking personal gain at the expense of others arises out of a misunderstanding of the interdependent nature of self. While it is sometimes necessary to criticize the action of individuals or groups, when doing so one should pay particular attention to one's motivation.

8. Not to be possessive of anything but to cultivate and encourage mutual support.

All positions at EDZ are for the support of everyone's practice and awakening. EDZ belongs to us all as we take up different responsibilities for the well being of everyone. 'Non-possessiveness is to act on the recognition that our life is always sharing. Knowing this is so, we naturally want to be nonpossessive with material things, with our time and energy and presence, with our words, and especially with our love.'

9. Not to harbor anger but to forgive

'Studying our anger shows us those places where we are brittle and defended'. Sangha members having conflicts or tensions with others should attempt to resolve them directly in a spirit of honesty, humility and kindness.

10. Not to do anything to diminish the Triple Treasure but to support and nurture it.

'Our conduct and all our acts of body, speech and mind matter. The more we are aware of our conduct and work toward clarifying it, the happier we become, and the happier we are able to make others.'

Our practice and the well being of the EDZ practice community is grounded in the commitment to acknowledge our transgressions, to seek reconciliation, and to continually renew our commitment to the precepts.

EDZ ETHICAL GUIDELINES and PROCESSES

EDZ is a practice community and a non-profit organization. We are not a workplace and we do not live in a residential practice community. We regularly study and practice together in different ways – in seminars, dialogues, sesshins, community celebrations and meetings – which bring us into close contact with each other. We exchange money, eat together, engage in ceremonies, and share physical spaces.

We welcome everyone regardless of race, color, sex, gender identity, age, national origin, ancestry, citizenship, physical or mental disability, or sexual orientation.

The following guidelines and processes are intended to help ensure a safe practice environment and provide a way to proceed when faced with possible ethical violations. They provide a format for students and teachers to explore individual and mutual questions, confusion, expectations, and misunderstandings that may occur in this setting.

Ethical Standards, Student/Teacher Relationships, and Grievance Procedures

While the Sixteen Bodhisattva Precepts are the foundation of our vows, EDZ recognizes that ethical standards and guidelines are needed to provide – a conscious process and safe forum for EDZ students and teachers ‘to be seen and heard’ when difficulties arise. They are not meant to resolve, arbitrate, or adjudicate all difficulties.

It is important to note that the tradition of Zen and of teacher–student relationship, projection and transference often arises as a normal part of the practice. Though these are not ethical violations, students may benefit from discussion with EDZ teachers other than the teacher concerned or with senior community members.

Teacher/Student Relationships

The teacher–student relationship is founded on deep trust and respect that is the mutual responsibility of both parties to honor. However, the authority of the teacher carries with it an increased responsibility to avoid situations and actions that could result in harm to the student or the

community. Harm may result if a teacher and student become sexually or inappropriately emotionally involved, or if a teacher violates trust, or uses power or position for personal ends.

The responsibility for maintaining appropriate and clear boundaries always rests with the teacher. The teachers at EDZ are committed to respecting and protecting the personal autonomy of all students, and to refrain from sexual involvement or misleading behavior with students. If a teacher feels unable to uphold this standard, they will seek guidance and counsel from a senior teacher in this lineage. It is recommended that the student involved also seek guidance.

Confidentiality

Matters discussed in individual meetings/dokusan/practice discussion between an EDZ teacher and student are kept in confidence by the teacher except as may be required by law. Students are encouraged not to engage in idle talk about matters discussed in teacher–student meetings.

There may be circumstances in which it is necessary for a teacher to consult a professional for legal or psychological expertise. It may be necessary to disclose confidential information in the context of such a consultation. Such consultations are also kept in confidence and are only undertaken in the interest of the Sangha and the student. Additionally, teachers may consult with other teachers to receive clarifying guidance about how to work with a particular student. All such conversations will be kept in strict confidence between the teachers.

Use of Power and Position

The teachers at EDZ recognize that individuals in positions of confidence or trust must not misuse status or authority to achieve privileges or other considerations, or to inappropriately influence others.

To be involved in sangha life, with teachers, is not exactly the same as worldly social life though there is much overlap. It is a fact that most people perceive a power differential between teachers and students. This is part of Zen practice and something we all must be mindful of. It exists for the possibility of awakening; it is power to confer benefit. Taking this into account, teachers need to be careful; students need to be respectful but also feel able to speak truthfully to teachers, without intimidation – though this takes some courage. Teachers too must be able to speak freely to students about the students’ personal conduct and how to

practice with what happens to them.

EDZ officers entrusted with handling funds or assets on behalf of practitioners bear responsibility to provide accountable and transparent stewardship. EDZ's financial records are available on request.

Romantic Relationships Among Sangha Members

In promoting intimate dialog in the context of meditation practice we are asking people to be as open to one another as they feel comfortable in being and that this may lead to instances of affection and even romance between sangha members. All EDZ practitioners should understand this. We are not against appropriate romantic relationships between sangha members. In fact we take delight in it. But for everyone's safety these relationships need to be conducted with full respect, restraint, and care. This means no inappropriate speech, no flirting during practice events, no harassment (see below) of any kind.

If a sangha member feels attraction to another sangha member the appropriate invitation to coffee or a meal etc. should take place and a full human relationship should ensue. Everyday Zen's house custom is that "sexual hookups" are not okay, even if both parties consent. It is not that we feel such hookups are evil or distasteful (various of us will have different views on this point), only that for the safety of the sangha and the integrity of our dialog together they cannot be okay in our community.

Harassment

Harassment takes many forms. Some examples include but are not limited to the following:

1. Jokes, insults, threats, and inappropriate comments about a person's race, color, sex, gender identity, age, national origin, ancestry, citizenship, physical or mental disability, veteran status, sexual orientation, or other status protected by law.

2. Unwelcome sexual advances, sexual remarks, displays of offensive material, requests for sexual favors, and other unwelcome verbal or physical conduct of a sexual nature.

Procedures for Addressing Ethical Concerns

Ethics Procedures, Part 1 Informal Ethics Process

If an ethical problem arises with a teacher or a fellow student it is recommended that people involved first try to address the problem directly.

If there is discomfort in doing this a member of the EAR council is available to talk to and to act as support in discerning and clarifying concerns.

The EAR (Ethics and Reconciliation) Council is a committee of EDZ community members set up to listen to ethical questions community members may have. The current council consists of James Flaherty, Chris Fortin, and Jaune Evans. Please feel free to contact any of them through the number listed below, either with a particular situation you'd like to discuss, or with ideas about how we can better serve the EDZ sangha. For more information about the EAR Council and contact information for its members, please call_____.

All conversations are confidential unless legal requirements oblige us to do otherwise.

If there is a further need for support or in providing discernment and resolution of the concern two or more members of the EAR council will meet with both parties involved individually and/or together to provide mediation.

Ethics Procedures, Part 2 Formal Ethics Hearing Process For A Teacher and A Student

In the case of considering the initiation of a formal ethics complaint, it is to be acknowledged by all participants that: 1. In the history of Buddhist communities students have been taken advantage of by their teachers; ethical violations have been committed which have not been heard or redressed, and 2. Teachers have also been falsely accused of ethical violations.

Sometimes the actions of a student or a teacher can be misinterpreted as sexual interest or otherwise suggest an ethical breach. The teacher's reputation as well as the student's can be seriously harmed by a false

accusation. This should be taken into account before a formal ethics hearing process is instituted.

If matters of importance cannot be resolved after using the resource of the EAR council for mediation an Ethics Panel is convened. This panel may consist of members of the EDZ Board, members of the EAR council and a teacher or senior student from another local Buddhist community. The panel may also include other appropriate persons outside the Buddhist community, including professional dispute resolution professionals.

The EAR council will select this panel in consultation with the parties involved and decide the appropriate number. –All parties involved in the concern will be in attendance.

As any such process unfolds, sangha members who may be aware of the situation need to be cautioned to be extremely careful about how they speak about the situation and the parties involved. In the emotionally charged atmosphere that such an event will usually foster, even seemingly innocent words or characterizations are sure to reach the ears of almost everyone, and in the process seem hurtful. This may not be preventable but senior sangha members should do everything they can to speak (or refrain from speaking) in such a way as to minimize such hurt.

Any discussions among sangha members (not part of the formal process) of specific ethical issues raised are to be done in the strictest confidence with both parties acknowledging on the onset the privacy and reputation of all involved and that the party being consulted agree to the strictest confidence of the matters shared with them.

1. Bringing a Concern

A formal process is initiated by communicating in writing with the EAR Council and the assembled Ethics Panel. This “Letter of Request” must include:

- A clear statement that a formal ethics hearing process is Requested.
- The name of the person(s) involved
- A description of the alleged ethical violation (a description of the grievance) clear enough to allow the Ear Council and the Ethics Panel to decide whether the matter is appropriate for a formal hearing process.
- A description of prior attempts to resolve the matter.
- A statement of the resolution sought.

2. Accepting a Concern

Once the Ethics Panel has received a letter of request, they will by majority vote convey to the requester within two weeks the acceptance or non-acceptance of the matter for formal hearing. In the event the matter is accepted for formal hearing, the Panel will also notify persons named in the Letter of Request, as appropriate. They will also hear from the person or persons named in the request.

3. Convening the Ethics Panel for a Hearing

Once the parties have been notified, the combined EAR Council and Ethics Panel will convene the meeting. The Ear Council and Ethics Panel will act and vote independently of the teacher stated in the Concern. One Panelist will chair the hearing. Each member of the Panel must be without actual or apparent bias or conflict of interest.

4. Hearing the Concern

The chairperson will schedule a private hearing for the persons involved (at least individually, and, if possible together) to have a full and fair opportunity to present their understanding of the matter to the Ethics Panel. The Panel may ask questions and request information.

The process will proceed in the spirit of neutrality and during the proceedings the panel will check with both parties regularly to make sure they feel their side is being adequately heard and addressed in the process.

5. Ethics Panel Decision

Once the Ethics Panel determines that it is sufficiently informed of the matter(s) at hand, it will close the hearing and deliberate. The Panel will work toward a consensus opinion.

As soon as reasonably practical, the majority position on the Panel will issue a written decision and distribute it as each case warrants.

6. Partial List of Possible Resolutions by the Hearing Panel

This is a partial list of possible resolutions intended to encourage open-minded and creative decisions. While it is not possible to anticipate every kind of situation, which might require resolution, this format hopes to ensure a process that benefits all. The findings could apply to either the teacher or the student:

- Recommendation of the teacher's suspension from teaching for a period of time. A suspension could stipulate the conditions by

- which a person may commence teaching (to be approved by majority of full EAR and EDZ Board)
- Recommendation of a period of probation, with probationary terms set by the Ethics Panel
 - Recommendation of suspension or dismissal from position of responsibility in the Sangha (to be approved by majority of full EAR or board)
 - Finding of no ethical breach while acknowledging the existence of a problem which needs resolution elsewhere.
 - Direct or mediated private apology.
 - Apology to the community.
 - Suggested referral to a Restorative Justice Circle process
 - Suggested referral to professional mediation process
 - Follow up meetings with the guiding teacher or teacher of choice.
 - Recommended education or training or intervention program (e.g. therapy or relevant 12 step program)
 - Private conversation with the teacher or student or both about findings
 - The findings and action of the Ethics Panel are shared with the Sangha as per the approval of a majority of full EAR council and EDZ Board
 - Limiting the decision simply to whether or not an ethical transgression occurred.
 - Request for and agreement by both parties that the complaint be dismissed after the process reveals a misunderstanding that can be resolved without a further hearing.

"Ethical conduct requires such skill, as well as kindness, flexibility, humility, and a powerful appreciation of life's complexity and fullness. Because of this, the practice of ethical conduct can be seen as the pinnacle of the spiritual life. Through it we express and live what we have learned and become."

-- Norman Fischer, Taking Our Places

Thank you to the San Francisco Zen Center for sharing its Ethics Policy and EAR Council model with EDZ.