

# **Appamada Sangha**

## **Ethical Principles and Procedures for Grievance and Reconciliation**

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# Appamada Sangha

## Ethical Principles and Procedures for Grievance and Reconciliation

### INTRODUCTION

This statement of *Ethical Principles and Procedures for Grievance & Reconciliation for Appamada* has been adapted from San Francisco Zen Center's "*Ethical Principles and Procedures for Grievance & Reconciliation*" of 1996.

As with its SFZC model, this Appamada ethics statement is based on the Three Refuges and the Bodhisattva precepts. To help create a supportive, harmonious, and safe environment within our sangha for everyone's practice, we have here outlined the significant ways in which these precepts guide and inform our community life.

The Buddhist precepts are so intimate a part of Zen practice that they have traditionally been called the "blood vein" of the ancestral lineage. The precepts can be understood and interpreted at many levels. They can be understood as supports for the practice of awakening, as the arena of that practice, and as the expression of awakening itself.

This statement does not attempt to cover questions of personal conduct that do not have a direct bearing on the sangha. While the Appamada sangha will inevitably change, and refinements to these ethical statement and grievance procedures may be necessary in the future, it is our goal to always connect the standards with the spirit of the bodhisattva precepts. Nor is this ethics statement intended to limit our understanding or to be a definitive reading of the precepts. Finally, this ethical statement does not supersede specific Appamada guidelines, but is intended to complement and support them.

### THE THREE REFUGES

The Three Refuges represent the foundation and orientation of our bodhisattva life.

#### **We take refuge in Buddha**

In taking refuge in Buddha, we acknowledge the Buddha Nature of all beings. While there are different levels of authority and engagement with Appamada, the sangha recognizes that fundamentally everyone is equally the expression of Buddha Nature.

#### **We take refuge in Dharma**

In taking refuge in Dharma, we acknowledge the wisdom and compassion of the bodhisattva way of life. It is through this Dharma that we embody, express and make accessible the teachings of the Buddha as conveyed to us through the lineage of the Soto Zen School by the founder Shunryu Suzuki Roshi, Joko Beck, and other teachers. Realizing that our understanding and practice of Buddhism is one of many approaches, we also acknowledge and respect all other expressions of the Dharma.

#### **We take refuge in Sangha**

In taking refuge in Sangha, we acknowledge the role that the Appamada community has in our practice. Because part of taking refuge is the offering of refuge, we aspire to create an inclusive environment for everyone's engagement in the Bodhisattva Way. 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 gender, age, race, ethnicity, sexual orientation, political belief, and physical abilities and appearances.

In creating an inclusive sangha, it is essential that we encourage open, ongoing communication within the sangha, and that any ethical concerns or conflicts that arise are fully heard and addressed by the Appamada community in an appropriate forum. To facilitate this, those of the sangha are encouraged to

study the practice and communal contexts, reasons, and limits for authority and decision-making at Appamada.

## **THE THREE PURE PRECEPTS**

The Three Pure Precepts are inseparable from the bodhisattva practice taught at Appamada. They represent the aspiration of every bodhisattva.

### **To do no evil**

To do no evil means to refrain from causing harm to oneself, to others, to animals, to plants, to the Earth, to the waters and to the air.

### **To do good**

To do good means to uncover and to act from the loving kindness, compassion, sympathetic joy and equanimity of our awakened nature. In our effort to live ethically, we embrace and rely upon the time-honored Mahayana practices of confession, repentance, atonement, and reconciliation.

### **To liberate all beings**

To liberate all beings means to offer people the opportunity to discover and express their awakened nature. In creating this opportunity we recognize the importance of maintaining a balance between an individual's negotiation of the Way and the collective needs of the sangha. When there is a perceived conflict between these, the process of open communication and clarification is a practice of "liberating all beings."

## **The Ten Essential Precepts**

The Ten Essential Precepts are inseparable from both Buddha Nature and our relations with each other. They are the strands of Indra's Net.

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

This precept expresses the bodhisattva's intent to live compassionately and harmlessly. When understood in its broadest context, not killing can also be understood as not harming, especially not harming the body or psyche of another. Thus, physical violence and abusive behavior (which includes physical threats, extreme displays of anger, and maliciousness) are a kind of "killing." In cultivating life we encourage open inquiry into and discussion of the Dharma and into the sources of religious and institutional authority at Appamada.

In keeping with the aspiration of harmlessness, all firearms and other weapons designed principally for taking life have no place within Appamada practice places.

We also acknowledge our role, either directly or in complicity with others, in the killing of other forms of life. As a sangha, when institutional questions of killing animals, plants, and insects arise, we must carefully consider our real needs and our bodhisattva-inspired responsibilities to work for the benefit of all beings.

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

This precept expresses the bodhisattva's commitment to live from a generous heart rather than from an avaricious mind. At a personal level, avaricious behavior harms the person who steals; on a community level, stealing can harm or even destroy the opportunity and the environment for Zen practice. Those who handle sangha funds or other assets also have a special

responsibility to take care of them and avoid their deliberate misuse or misappropriation, both of which are institutional forms of stealing.

In addition, we recognize that the misuse of authority and status is a form of taking what is not given. Within the complex life of the sangha various levels of authority and seniority play a role in some situations and not in others. It is particularly important that individuals in positions of trust do not misuse their status or authority as a way to achieve special privileges and consideration or otherwise control or inappropriately influence others.

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

The Appamada sangha recognizes that sexuality is as much a part of the field of practice as any other aspect of our daily lives. Acknowledging and honoring our sexuality is part of creating an environment where conscious, mindful, and compassionate relationships can be cultivated.

Special care must be taken when people of unequal status or authority enter into a sexual relationship. In particular, there are two forms of relationships that can lead to great harm and confusion. Therefore both are considered a misuse of sexuality within our community.

First, it is considered a misuse of sexuality for an adult within Appamada to engage in sexual behavior with anyone at Appamada who is a minor. Full responsibility for avoiding such relationships lies with the adult.

Second, it is considered a misuse of authority, responsibility, and sexuality for an Appamada teacher to engage in sexual behavior with his or her student. If a teacher and/or student feel at risk of violating this guideline, they should suspend their teacher-student relationship at least until they have sought counsel with another Appamada teacher or a teacher from another sangha. Furthermore, it is considered a misuse of sexuality for a teacher at Appamada to form a sexual relationship with a former student within six months of the termination of the student-teacher relationship. Before forming a sexual relationship, all Appamada priests, head students, or other persons in a formal role that entail clear advantages of influence in relationship to others should discuss the appropriateness of the potential relationship with a teacher.

Particular care must be shown toward new students.

Everyone coming to Appamada in any capacity has the right to be free from sexual harassment. Continued expression of sexual interest after being informed that such interest is unwelcome is a misuse of sexuality.

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

The precept "not to lie" is particularly important for the community life of a practicing sangha. While ethical transgressions can involve any of the precepts, many of these 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. Within our community life, lying can also entail the deliberate withholding of information. Open and direct communication is essential in our work and practice together. We are each entitled to straightforward, complete information when we request feedback regarding our behavior, standing, or performance within the community. We can expect, upon request, for this to be given by appropriate persons in the spirit of honesty and compassion.

Students at Appamada should feel that they can carefully explore the Dharma and study the self in an atmosphere of trust. Appamada teachers and practice leaders shall not disclose information they receive in practice discussion when confidentiality is requested and agreed to, unless serious harm may result to individuals or to the sangha if the information is not disclosed. Even when there is no specific request for confidentiality, such information is not to be shared casually under any circumstances by either of the people involved in the conversation. In the collaborative teaching process at Appamada, however, consultation among teachers regarding matters that are not strictly confidential may be appropriate. All those who engage in such consultations should make every effort to ensure it is done in a sensitive, fair and respectful manner.

**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 mindfulness and a state of mind that is not conditioned by intoxicants of any sort. When enough clarity is lost it is all too easy to break the other precepts. Furthermore, it is our intention for Appamada to be an environment that supports those who are attempting to live without intoxicants.

Therefore, alcohol or drug intoxication within Appamada is inappropriate and is cause for concern and possible intervention. When an Appamada practitioner is involved in abusive or addictive use of intoxicants, it is important to remember that release from all attachments lies at the heart of Buddhist practice and he or she is expected to seek help with the counsel of an Appamada teacher. Because denial is frequently a symptom of addiction, the sangha is encouraged to help addicted persons recognize the need for help.

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

This precept arises from a bodhisattva's efforts to build social concord and understanding. 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 in 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.**

While rejoicing in one's wholesome qualities and deeds is a time-honored Buddhist practice, praising oneself or seeking personal gain at the expense of others arises out of a misunderstanding of the interdependent nature of self. Within Appamada it may be necessary to correct the action of certain individuals or groups; when doing so one should pay particular attention to one's motive and to the specific content of what is said and to whom it is said.

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

All positions of authority at Appamada are for the support of everyone's practice and awakening. Neither the resources of Appamada nor any position within Appamada are the possession of any one person. It is not appropriate for anyone, especially a teacher, to use his or her relationship to Appamada for personal gain or fame at the expense of the sangha or the practice-intention of its members.

In the spirit of non-possessiveness, decision-making bodies at Appamada should make decisions together in a cooperative and accountable manner, and with a wholehearted effort to consider all points of view. It is particularly important that Appamada's finances, decision-making structure, and minutes of major decision-making bodies be made 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 for individuals and for the community. Even more corrosive is the harboring of ideas of revenge. Appamada practitioners having conflicts or tensions with others or with decision-making bodies should attempt to resolve them with anyone directly involved in a spirit of honesty, humility, and loving kindness. However, 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.**

As the three treasures are inseparable from one another, awakening informs our practice and our community life, practice informs our community life and our awakening, and our community life informs our awakening and our practice. To abuse any one of the treasures harms the other two. To acknowledge our transgressions, to seek reconciliation, and to renew our commitment to the precepts is the working of Buddha Nature and re-establishes our place in the sangha. When the Sangha is complete the Triple Treasure is manifest.

## PROCEDURES FOR GRIEVANCE AND RECONCILIATION

### Introduction

We wish our life within the Appamada sangha to express our Zen practice and bodhisattva intention. As the bodhisattva path is our heartfelt response to suffering, turning away or skimming over suffering through silence, rationalization, assigning blame, minimizing, feeling self-deprecating guilt, or not listening deeply to its causes and conditions are all steps directed away from the bodhisattva path itself. Furthermore, avoidance is a condition for additional suffering.

Thus, when a conflict, grievance, dissonance, or violation of the precepts arises in our interpersonal relationships it is essential to attend to it fully. Personally, this involves waking up to our own contribution to the suffering in these situations through understanding our reactions, emotions, and attachments. Interpersonally, this involves taking the time to discuss the conflict with the other parties involved in an attempt to clarify the actual causes, conditions, feelings, and responses that come together in the situation.

What follows are guidelines and procedures for resolving conflicts and transgressions within the Appamada sangha. It is our hope that such resolutions take the form of reconciliation -- with oneself and with others. Whenever possible, disputes and disagreements should be resolved informally and directly between the people involved. There are many channels through which Appamada practitioners may attempt informal resolution and reconciliation. In this document we offer some suggestions and basic guidelines.

We recognize that for certain grievances, complaints, and conflicts, informal resolution may not be possible. We offer a formal grievance procedure, available through the Appamada Board and an appointed Grievance Committee, for such situations. These formal procedures can be used to resolve disputes concerning administrative decisions or actions, and for addressing perceived misconduct of sangha members.

### BASIC GUIDELINES FOR RESOLVING CONFLICTS AND DISAGREEMENTS

Although no fixed procedures for informal conflict resolution exist, the suggestions and procedures 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 that flows from knowing that there is no fundamental difference between us.

#### 1. **Stating the Actual**

A crucial aspect of conflict resolution, just as in Buddhist practice itself, is discriminating between our interpretations and opinions of an event and how the event was or is personally experienced. In part, this means not making general statements but rather sticking to the particulars of actual situations and the emotions experienced. It is extremely difficult to have mutual understanding when discussion remains at the level of interpretation and generalization.

#### 2. **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 a conflict, to state their feelings regarding the conflict, and to explain the goals they have for its resolution. Such statements should be neither defensive nor critical since both approaches tend to preclude deeper mutual understanding. Much conflict arises and is perpetuated through a lack of mutual understanding. Taking calm, deliberate, and adequate time to listen to each other is often all that is needed for reconciliation to begin.

3. **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.
4. **Confession**  
Resolution and reconciliation is greatly facilitated if everyone involved reflects on how they may have contributed to a conflict and then explains this to the other party. Even when one person is primarily responsible, self-reflection, confession, and apology on everyone's part can provide a safer, more trusting, and more understanding environment for everyone to be truthful.
5. **Facilitation**  
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 opportunities to speak. This person might also point out the difference between statements of opinion and interpretation and direct statements of how an event or feeling was or is actually experienced. Invited facilitators can be anyone whom both parties respect; e.g., friends, neutral acquaintances, Appamada teachers, or people within or outside of Appamada who are trained in mediation.
6. **Seeking Advice**  
In addition to or instead of inviting a facilitator to participate, it can be useful to seek advice for working informally with a conflict. Such advice can be received from friends, teachers, and others within the sangha.



## FORMAL GRIEVANCE PROCEDURE

A formal grievance procedure is available when informal attempts at reconciliation or the normal administrative channels for grievances have been exhausted or are deemed inappropriate. These procedures are especially designed to resolve:

- Situations in which an Appamada practitioner wants to appeal an administrative decision regarding him or her personally;
- Situations in which someone believes that an Appamada teacher, employee, or practitioner has engaged in significant misconduct or unethical behavior that has not been adequately addressed through informal means; these grievance procedures are available to both the Appamada sangha and the general community.

While reconciliation is an important goal within the Appamada sangha, the prime purpose of the formal grievance procedure is to come to a decision regarding the specific issue or complaint submitted. Most situations requiring a formal grievance procedure contain elements of interpersonal conflict as well. A formal grievance procedure may not be effective for resolving these painful interpersonal issues. If such a resolution is desired, informal and mediated procedures are recommended.

### 1. Filing a Complaint

If the Appamada Board receives any inquiry from someone contemplating a formal grievance complaint, the Board must provide them with a copy of the *Appamada Sangha Ethical Principles and Procedures for Grievance and Reconciliation*. To file a complaint, an individual must communicate, in writing, to the membership of the Appamada Board. The Board must acknowledge, in writing, receipt of a written complaint within two weeks.

This complaint must include:

- A clear statement that a formal complaint or grievance is being filed
- The name of the person or persons whose behavior the complaint concerns
- A description of the alleged behavior, sufficient enough to allow a decision by the Board as to whether the complaint is appropriate for initiating a formal grievance procedure
- A history of the attempts, if any, to resolve the complaint through informal or normal Appamada channels

Until a complaint is accepted by the Appamada Board, all information related to the complaint will remain confidential within the Board except for any disclosure mandated by law.

### 2. Accepting a Complaint

Having received a complaint, the Appamada Board must, within 30 days, review the complaint and decide whether a formal grievance procedure is warranted or whether other informal or administrative channels should be attempted first. When informal or normal administrative channels are deemed exhausted or inappropriate, a formal complaint is accepted when at least three Board members agree that it is warranted. If needed, the Board members may request further information from the parties involved in the complaint.

Once the Appamada Board has accepted a complaint, a designated Board member shall convey its acceptance, within one week, to both the person filing the complaint and the person or persons named in the complaint. As part of this notification, the Board will state its

understanding of the issue under inquiry. The person or persons named in the complaint will also receive a copy of the complaint and a copy of Ethical Principles and Procedures for Grievance and Reconciliation at this time.

### **3. Forming a Grievance Committee**

Once a complaint is accepted, the Board will appoint a Convener to oversee formation of a three-person Grievance Committee. This committee will investigate, issue findings, and render a decision on the complaint.

The Convener and the members of the Grievance Committee must all be without actual or apparent bias or conflict of interest. Examples of conflicts of interest include people in intimate relationships with either party, anyone who will potentially benefit or lose from a decision, and / or anyone who has previously been involved (for example, as an administrator or mediator) in the attempted resolution of the dispute. The Convener shall be responsible for ascertaining whether potential conflict of interest exists among prospective Grievance Committee members. The Appamada Board is responsible for ensuring that the Convener has no conflict of interest in the matter.

Membership on a Grievance Committee shall be limited to Appamada regular practitioners (including senior students, frequent participants in Appamada intensives, those who have volunteered for and been trained in practice roles and for committees serving the sangha, and others designated by the Appamada Board) and may not include current teachers. The Appamada Board will draw up the list of candidates eligible to serve on a Grievance Committee and present the list to the Convener. The Convener will provide both parties with the list of names of eligible candidates for the Committee.

Each party to a complaint will select one member of the Grievance Committee. The Convener will select the third Committee member. None of the Grievance Committee members should be expected to act as an advocate for either party; all members of the Grievance Committee are to serve as unbiased decision makers.

### **4. Role of the Convener**

The Convener is a non-voting member of the Grievance Committee whose role is to schedule meeting times and locations with all of the parties, preside over the meetings and assure that they are conducted in a manner that allows for uninterrupted and respectful speech, serve as recording secretary for all the meetings, and draft the final findings of the Grievance Committee.

### **5. Investigation of a Complaint**

The Convener will schedule and oversee a closed hearing in which all parties are given a chance to present their understanding of the issue under investigation. The hearings shall be conducted in the spirit of the Basic Guidelines for Resolving Conflicts and Disagreements described earlier. The Grievance Committee may question all parties, requesting additional information. If appropriate, further hearings may be scheduled. All parties of a complaint may have a support person of their choice present at the hearing. If desired, the support person may make statements during the investigation.

The Grievance Committee may ask other people to provide information pertinent to the complaint. Such information may be provided in person at a hearing or in writing. All parties will have a full and fair opportunity to respond to all information -- oral, written, or otherwise -- gathered by the committee.

The Convener will document the proceedings, which will be held confidentially for the duration of the proceedings.

## **6. Committee Findings**

When Grievance Committee members are satisfied that they have adequate information, they will review and discuss the case in executive session. However, at its discretion, the Committee may seek non-binding advice from Appamada Board members and any pertinent persons. The Committee's decision should be reached by the form of consensus that allows for one person to stand aside, i.e., not agree with the decision but be willing to acquiesce. The Convener will explain and facilitate the consensus decision-making process for this Committee.

Once a decision has been reached, the Grievance Committee shall supply the Appamada Board with a copy of its written findings. The Grievance Committee shall reconvene within two weeks with the parties involved. At this time the committee shall hand out copies of its written findings and the Convener shall read them aloud.

The Committee is authorized to resolve a grievance in any manner that it regards appropriate, as long as it does not exceed the authority of Appamada as an institution. The Appendix of this document is available to the Grievance Committee as a partial list of the kinds of decisions it may make.

It is the responsibility of the Appamada Board to ensure that a Grievance Committee's decision is carried out.

In deciding a case, the Grievance Committee will recommend to the Appamada Board what persons, if any, besides the parties involved should be informed about the case or aspects of the case. The Appamada Board will take the Grievance Committee's recommendations into account and decide the persons, if any, in addition to the parties, to be informed of the findings. If applicable, the Board will make the findings known to any identified people after the 30-day window for appeal has lapsed.

## **7. Appeals**

Either party has the right to appeal a Grievance Committee action within 30 days of receipt of the notification of the Grievance Committee's decision.

Appeals are made to the Appamada Board, which shall review the findings and the appeal arguments to decide whether or not the decision of the Grievance Committee should be upheld or whether or not a new Grievance Committee should be formed to re-hear the case. Normally appeals will only be granted if there is evidence of bias and/or procedural irregularities, or if new information not previously available comes to light. If the Appamada Board denies an appeal, that decision is considered final. If a second Grievance Committee is appointed, its findings and decision are considered final.

## **8. Reconciliation**

If appropriate, once a Grievance Committee has reached a decision, the Convener will separately make non-binding recommendations to both parties on steps they may take toward reconciliation among themselves and if necessary with the Appamada sangha. While Appamada places high value on reconciliation, we realize that in extreme situations it may take considerable time before such a process can begin.

## APPENDIX

### Partial List of Possible Decisions by a Grievance Committee

This partial list of possible resolutions is intended to encourage open-minded and creative decisions by the Grievance Committee.

1. Mediated resolution of the matter (assuming that the parties involved are willing).
2. A finding of no ethical breach while acknowledging the existence of a problem that needs resolution elsewhere.
3. Reversal of an administrative decision or action.
4. Private or mediated apology.
5. Reparation, to the extent possible, to the person who made the complaint and/or to the community.
6. Follow-up meetings with the person's teacher.
7. Psychological therapy or participation in a recovery process (i.e., a drug or alcohol recovery program, or a 12-Step program) specified by the Grievance Committee.
8. Private reprimand.
9. Public censure. The findings and action of the Grievance Committee, as well as the reprimand, are made public to the community.
10. Apology to the Appamada community or membership.
11. Period of probation, with probationary terms set by the Grievance Committee or some other Appamada body deemed appropriate to this particular case.
12. Suspension from certain positions of responsibilities within the Appamada community.
13. Suspension from Appamada for a stipulated period of time. Such a suspension should stipulate both the conditions by which a person may re-enter the community and the person(s) within Appamada who will be responsible for deciding whether those conditions have been fulfilled.
14. Limiting the decision simply to whether or not an ethical transgression occurred and then forwarding this decision to the appropriate administrative or practice leadership for further action.

## **ADOPTION BY THE APPAMADA BOARD**

This "Appamada Sangha Ethical Principles and Procedures for Grievance and Reconciliation" was adopted by unanimous vote of the Appamada Board on April 22, 2015.

### **Board Members:**

Joel Barna, Joan Harman, Jason Still, Tom VandeStadt, and Elizabeth Young