



Clouds in Water Zen Center Ethical Guidelines, Grievance Policy and Reconciliation Process (Updated March 15, 2020)

Fundamental Ethical Guidelines

The purpose of the following Ethical Guidelines and Grievance Policy is to help maintain and foster a supportive environment for Zen practice at Clouds in Water Zen Center. Clouds in Water Zen Center is committed to sustaining a healthy spiritual community where diversity of opinion and expression is respected, the dignity and integrity of community members is protected, conflicts are addressed appropriately and respectfully, and ongoing learning about interpersonal relationships is encouraged. Toward these ends, Clouds in Water Zen Center has adopted the Three Collective Pure Precepts and the Ten Momentous Prohibitory Precepts as our fundamental guidelines for ethical behavior.

Three Collective Pure Precepts

With purity of heart, I vow to do no harm.

With purity of heart, I vow to do good.

With purity of heart, I vow to free all beings.

Ten Momentous Prohibitory Precepts

- 1. Recognizing that I am not separate from all that is, I take up the way of **Non-killing**.*
- 2. Being satisfied with what I have, I take up the way of **Non-stealing**.*
- 3. Encountering all creations with respect and dignity, I take up the way of **Not misusing sexuality**.*
- 4. Listening and speaking from the heart, I take up the way of **Not speaking falsely**.*
- 5. Cultivating a mind that sees clearly, I take up the way of **Not being deluded and not giving or taking intoxicants**.*
- 6. Unconditionally accepting what each moment has to offer, I take up the way of **Not talking about others errors or faults**.*
- 7. Speaking what I perceive to be the truth without guilt or blame, I take up the way of **Not elevating oneself and blaming others**.*
- 8. Using all the ingredients of my life, I take up the way of **Not being stingy and not attaching to anything, even the truth**.*
- 9. Transforming suffering into wisdom, I take up the way of **Not indulging in anger**.*
- 10. Honoring my life as an instrument of peacemaking, I take up the way of **Not thinking ill of the three treasures (Buddha, Dharma, Sangha)**.*

Unethical Behavior

Examples of unethical behavior include, but are not limited to,

- physical violence;
- sexual harassment (see detailed section below);
- misappropriation of community funds;
- breach of confidence;
- sexual or romantic relations between a teacher and student;
- slandering a member of the community;
- any disrespectful or discriminatory treatment of others on the basis of race, gender, sexual orientation, gender identity, marital status, age, disability, income, ethnicity, or national origin;
- any behaviors that harm other community members or the community as a whole.

If a Clouds in Water Zen Center member or anyone who has interaction with Clouds in Water wishes to complain about unethical behavior, they should promptly report a grievance pursuant to the procedures set forth below in this policy statement. A member or visitor is encouraged to report a grievance even if they are uncertain whether what has occurred is an ethical breach.

Responsibility of Members of the Community

Each member of the Clouds in Water Zen Center community is a caretaker of the community's well-being. Therefore, we share in a responsibility of fostering an environment of integrity and dignity, and maintaining the values of Clouds in Water as expressed in the Vision Statement (see Appendix A).

Everyone in the Clouds in Water Zen Center community has the individual responsibility to take action to protect the community from conduct which violates the precepts. If a community member is aware of conduct that they believe is of significant harm to an individual or to the community as a whole, it is important that the member express their concerns appropriately, rather than remaining silent. This might include using the grievance procedures (described below), discussing with a teacher or other leader, or speaking with the parties involved if it feels safe to do so. Similarly, if a member has personally experienced misconduct by anyone in a position of trust (including priests, lay teachers, board members, staff, temple officers et al), that member has the responsibility to report the misconduct immediately as called for in the grievance procedures. If no report is made, Clouds in Water Zen Center cannot respond appropriately to address the issue.

Special Obligations of Individuals in Positions of Trust

The Clouds in Water community expresses its special trust in certain individuals by placing them in the positions of priests, lay teachers, study group leaders, staff, board members, temple officers and other positions of formal authority, including members of the EAR Committee. As such, these individuals are expected to uphold all of the responsibilities outlined above and are additionally held to a higher standard of ethical conduct. Exploiting relationships, harming others, or abusing influence breaches trust, especially when such misconduct occurs under the

pretense of teaching methods or Zen practice. Misconduct by those in positions of trust can significantly undermine the integrity of the community.

Examples for leaders include:

- Not misusing power and influence, not having a sexual or romantic relationship with a student, not having a sexual relationship with a participant without a long-term commitment made known to family and friends, disclosing and/or avoiding dual relationships and not using a relationship with a participant for personal gain.
- Maintaining confidentiality, except that leaders may disclose information if they believe that is the needed course of action to protect you or another person from harm, or as required by law.
- Clergy or anyone acting in the capacity of clergy, e.g. lay teachers, are legally bound to report abuse of a child, threatened suicide or threatened physical harm to anyone.

Note: A *Dual Relationship* happens when you know someone in more than one context, such as when members are peers at Clouds and have another relationship outside Clouds, such as doctor-patient. We ask that all members be sensitive to the possible complexity of dual relationships. Leaders are asked to avoid dual relationships when possible, or at least to disclose them to other leaders.

Sexual Harassment

Sexual harassment is a matter of particular concern to a religious community in which students and teachers are connected by strong bonds of spiritual interdependence and trust. Everyone who comes to Clouds in Water Zen Center in any capacity has the right to be free from sexual harassment. Sexual harassment can consist of unwelcome sexual or romantic advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature which is unwelcome. These behaviors are ethical violations. Continued expression of sexual interest by any participant that is directed at another Clouds participant, after being informed that such interest is unwelcome, or in a manner that is offensive, is a misuse of sexuality and also an ethical violation.

The expression of sexual or romantic interest in new Clouds in Water Zen Center members or visitors may be particularly problematic and is inconsistent with Clouds in Water Zen Center's philosophy of creating a supportive and welcoming environment. Clouds in Water Zen Center members should therefore be especially sensitive to visitors and new members and to their need for a safe, nurturing spiritual environment.

What to do if you experience sexual harassment at Clouds in Water Zen Center:

Clouds in Water is committed to ensuring that a person who feels they have experienced sexual harassment feels safe in their responsive actions.

Anyone who feels they have been sexually harassed at Clouds in Water is strongly urged to file a grievance. If the aggrieved person wishes, they are welcome to speak to a teacher for assistance in filing this grievance.

Confidentiality

It is our intention to create an environment at Clouds in Water where students can fully explore the Dharma and study the self in an environment of trust. To promote this, Clouds in Water teachers shall not disclose information that they receive in one-to-one practice meetings. There are four areas of exception: 1) Clergy or anyone acting in the capacity of clergy, e.g. lay teachers, are legally bound to report abuse of a child, threatened suicide or threatened physical harm to anyone; 2) Clouds in Water teachers will sometimes consult with each other regarding how to best serve a particular student; 3) When preparing for a jukai ceremony, the preceptor may consult with persons fluent in Japanese in order to select the best names for students; 4) Clouds in Water teachers will sometimes consult with more senior Zen teachers, psychologists or mentors regarding students, especially if it would help to get another perspective. In cases 3 and 4, the identity of the student is protected if possible.

Students are asked to be deeply mindful of the manner in which they treat information shared between themselves and the teacher/senior student in practice meetings. Students are not bound to confidentiality, however any information they share should not be disclosed to others casually. Acting mindfully, a student may disclose such information to a family member or a close friend. Casual disclosures by the student undermine the confidential nature of the student-teacher relationship. They may also compromise the authenticity of practice. The dharma is principally passed on from individual teacher to individual student, and carelessly shared information can be confusing.

The teaching process at Clouds in Water Zen Center also involves discussions in class and smaller groups. Sensitive or personal information may be shared in these discussions. Students and teachers should respect this and refrain from talking about these discussions outside of the group in question in a manner that could disclose someone's personal information.

The confidential relationship between student and teacher must never become a means for imposing silence in situations where harm is being done. Should such a harmful situation arise, the student is encouraged to speak to the appropriate individual – either to the teacher directly, if possible, to a sangha friend, and/or to the Ethics and Reconciliation (EAR) Committee of Clouds in Water Zen Center.

GRIEVANCE PROCEDURES

Ethics and Reconciliation Committee

Clouds in Water Zen Center Ethics and Reconciliation Committee (EAR) attends to all grievances and reconciliation processes. The EAR committee membership is determined by the board of directors, and in the absence of a working committee, the Board of Directors shall act as the EAR Committee. The names of the current EAR Committee members, as well as additional contact information, are available on the bulletin board at Clouds in Water or by contacting the Clouds in Water Zen Center office at 651-222-6968. Also an email may be sent directly to the EAR Committee at EAR@cloudsinwater.org.

Reporting Grievances

Grievances may be made orally or in writing. Someone who wishes to file a grievance regarding unethical behavior, may report it to one of the following: any teacher in the Clouds community, any member of the Clouds in Water Zen Center EAR Committee, or any member of the Clouds in Water Zen Center Board of Directors. The person who receives the grievance shall promptly report it to a member of the EAR Committee or through email to the full EAR Committee. The grievance will be treated in as confidential a manner as possible, with the understanding that the identity of the person making the grievance and the details of the grievance may need to be disclosed in the process of investigation or in subsequent proceedings as required by law or as necessary for the protection of Clouds in Water Zen Center.

Process for Investigation and Resolution

The EAR Committee needs to consider the facts and circumstances particular to each individual case. The following guidelines, however, shall be followed:

1. The EAR Committee should first explore whether the grievance can be resolved in an informal manner that is acceptable to the parties. This may promote harmony in the community.
2. Where an informal resolution is not possible, the EAR Committee shall investigate the grievance. This will often involve interviews with the grievant, witnesses, and the alleged offending party. These interviews may be done by the full committee, by a member of the committee designated to carry out this task, or by an independent investigator or other person designated by the committee. A record will be kept in a secure location at Clouds in Water of any interviews or other investigation. In matters which involve allegations of sexual misconduct, misappropriation of funds, or other serious charges, the EAR Committee will consult with the Board of Directors to the extent practicable concerning the appropriate process for fact finding. The Chair of the EAR Committee and Chair of the Board of Directors shall also be responsible for seeking appropriate legal counsel in such situations.
3. If the grievance involves a board member, the EAR Committee shall work with the Chair of the Board of Directors to ensure a confidential process of investigation. If the Chair or

the whole Board of Directors is named in a grievance, the EAR Committee shall work with the Guiding Teacher on the appropriate process, including if necessary the engagement of legal counsel.

4. If the grievance involves a member of the EAR committee, that person will be asked to recuse themselves during the investigation by the rest of the committee.
5. When the investigation is completed, the EAR Committee shall consider what responsive action is required. The Committee may seek guidance and input from the Board of Directors or the Guiding Teacher, where it is deemed appropriate. The entire Board of Directors and the Guiding Teacher need not be informed of the existence or resolution of every grievance. Keeping grievances confidential at the EAR Committee level will help to promote harmony within the community. The EAR Committee shall, however, report each grievance to the Chair of the Board of Directors. Also, in cases involving allegations of sexual misconduct, misappropriation of funds, or other serious charges, the EAR Committee shall report the grievance and the identity of the alleged offender to the Board of Directors and the Board shall be ultimately responsible for the disposition of the grievance, with appropriate input from the EAR Committee.

Appeals

Any person involved in a grievance pursuant to this policy who is not satisfied with the outcome of the grievance as determined by the EAR Committee may appeal the decision to the full Board of Directors. This right of appeal would not apply in those instances where the EAR Committee has already involved the full Board of Directors in the decision making process.

Partial List of Possible Recommendations by the EAR Committee or Decisions by the Board of Directors

1. A finding of no ethical breach while acknowledging the existence of a problem which needs resolution elsewhere.
2. Mediated resolution of the matter (assuming that the parties involved are willing)
3. Private or mediated apology
4. Reparation, to the extent possible, to the person who brought the grievance and/or to the community
5. Follow-up meeting with the person's teacher
6. Psychological therapy or participation in a recovery process (i.e., a drug or alcohol recovery program or a 12 Step program) specified by the EAR Committee
7. Private reprimand
8. Public censure. This involves the findings and action of the EAR Committee, as well as the reprimand, being made public to the community, following the approval of the Board of Directors.
9. Apology to the Clouds in Water Zen Center community or membership
10. Period of probation, with probationary terms set by the EAR Committee, the Clouds in Water Zen Center Board of Directors, or some other Clouds in Water Zen Center body deemed appropriate to the particular case.
11. Suspension from positions of responsibility within the Clouds in Water Zen Center community

12. Suspension from Clouds in Water Zen Center for a stipulated period of time. Such a suspension should include a statement regarding the conditions by which a person may re-enter the community and the person(s) within Clouds in Water Zen Center who will be responsible for deciding whether those conditions have been fulfilled.
13. Termination of the person's office, employment, or relationship with Clouds in Water Zen Center
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

Decisions Reserved for Teachers

Certain ethical transgressions may result in sanctions that involve the individual's spiritual path. While the EAR Committee may decide to recommend such sanctions, the decision regarding whether such sanctions are to be imposed rests solely with the individual's teacher. These sanctions are:

1. Retaking of the precepts, with appropriate accompanying repentance practice
2. For persons with higher ordinations, relinquishment of the ordination and okesa

In each case, the teacher responsible for giving the precepts or ordaining the individual would be solely responsible for determining whether such a sanction is warranted.

THE EAR COMMITTEE WILL REVISE THE ENTIRE RECONCILIATION PROCESS WITHIN A FRAMEWORK OF RESTORATIVE JUSTICE. THIS WILL OCCUR AFTER THE EAR COMMITTEE EDUCATES ITSELF ON THE PRACTICAL APPLICATIONS OF RESTORATIVE JUSTICE.

RECONCILIATION PROCESS

Guiding Principles

Our intention is to offer a reconciliation policy guided by basic principles of Zen Buddhism such as non-separation, interdependence, compassion for all beings, and upholding the precepts. Reconciliation is one practice by which we actualize these principles. Our hope is that a reconciliation policy provides a framework or container for whatever needs to occur, supporting everyone involved. That framework or container includes the following:

Empathy: recognizing and acknowledging the feelings and needs of "the other" and "self." Non-violent communication. Bearing witness. Generosity and compassion.

Deep listening: listening from the heart with openness to the words, feelings and needs of the speaker.

Don't know mind: Suspending the thought that I know someone else's motives, hurts or feelings, or the reasons behind a situation; suspending the thought that I already know everything about my own motives, hurts and feelings.

No one version of the events that occurred: Acknowledging that each of us has our story about the events around us and that no one story encapsulates the complete version.

Taking responsibility: Recognizing interconnection/interdependence, identifying and taking responsibility for one's own contribution to the separation.

Appropriate action: Identifying direct and practical steps to help the people involved to make amends for past ethical breaches or hurtful behavior, and to make more appropriate/skillful choices in the future. Each case will be different.

Reconciliation Process Steps

What follows is an outline of a step-by-step process by which a person who has become separated from the community, including a person who has committed an ethical breach and has been asked to stay apart from the community, could be reconciled with and possibly reintegrated into the community.

1. Any party involved in the situation that led to separation, including a party who has become separated from the community, may express a desire for reconnection and bring a request to the EAR Committee to engage in the reconciliation process. This request includes the expression of a desired outcome for the process.

The EAR Committee explores with the person coming forward the intent behind their request and the feasibility of the desired outcome. The EAR Committee may ask that the person take some time for further reflection. Once the committee determines that the intent is clear and the desired outcome feasible, it proceeds to the next step.

2. The EAR Committee, acknowledging that they are not trained professionals in this area and utilizing outside resources where appropriate, does their best to determine whether the person making the request has accomplished the following:
 - Demonstrated empathy for the others involved in the conflict.
 - Demonstrated understanding of the harm that may have resulted from their actions and accepted responsibility for it.
 - Where appropriate, committed to or completed specific practices or therapies intended to help them make more skillful and appropriate choices in the future.
 - Where appropriate, made or is prepared to make satisfactory amends for the harm that resulted from their actions.

The EAR Committee may seek guidance from the Guiding Teacher with regard to actions or amends that may be appropriate to address the last two points in any particular situation.

3. If the EAR Committee is satisfied that the points laid out in step #2 above, have been accomplished, the EAR Committee may explore whether avenues of reconciliation are appropriate. The EAR Committee may decide to proceed with step #3 in cases where some of the points in step #2 above have not been accomplished.
4. The EAR Committee shares with the other person or people who were involved in the situation its understanding of the intent, proposed outcome and readiness of the requesting

party to enter into the reconciliation process. The EAR Committee again makes its best effort to determine if the points laid out in step #2 have been accomplished by all key parties involved in the situation that led to separation.

5. Based on the guiding principles, the EAR Committee determines a format for bringing the people together which has a reasonable likelihood of achieving the desired outcome. The EAR Committee, or its designee, may act as an intermediary between parties in order to arrive at a format acceptable to all. Examples of possible formats include a committee, a meeting of the parties with a neutral facilitator, or meeting of the parties with the EAR committee or its designee.
6. The proposed coming together takes place. Afterwards, each party participating in the coming together provides feedback to the EAR Committee on their view of the outcome and of additional steps, if any, needed to reach reconciliation.
7. The EAR Committee evaluates whether the process enabled the parties to reach their desired outcome, whether reconciliation has been realized, and whether reintegration of a separated person into the community is appropriate.
8. If the process is successful, the EAR Committee may, where appropriate, make an announcement that acknowledges the reconciliation and/or request that the Guiding Teacher authorize or conduct a ceremony to acknowledge it.
9. If the EAR Committee believes the process has been unsuccessful, it informs the parties of that view and may invite them to renew their request when they feel ready to do so.

APPENDIX A

Clouds in Water Zen Center

VISION PROCESS:

CORE BELIEFS AND FUNCTIONS

We value the core practice of zazen and the teaching of Soto Zen Buddhism.

We respect the traditional forms and honor them by expressing them in ways that are accessible and appropriate to our culture.

We value the pursuit of spiritual growth at all stages of life.

We provide training and its benefits as appropriate for all stages of life. The three bases of Buddhist training are virtue, meditative awareness, and wisdom.

We value the great diversity of our culture, including race, ethnicity, sexual orientation, gender identity, age, creed, religious background, ability, income, family status, and level of practice.

We intend that there be no exclusion from our community or its training opportunities on the basis of arbitrary cultural factors. When it becomes apparent that there is an issue, we will address it.

We will stand up against any intolerance and discrimination based on race, ethnicity, sexual orientation, gender identity, age, creed, religious background, ability, income, family status or level of practice. We will support the care of our environment, including people, animals, plants and minerals. We will support the human rights of all. We do this in order to uphold our vow to free all beings.

We place a high value on community as an expression of our interdependence.

Following the Bodhisattva way, we nourish a community with a shared commitment to conscious, wise and virtuous action for the benefit of all beings.

We value our inter-relatedness with communities of the larger world.

We understand that our Bodhisattva vow commits us to actions that benefit the common life of the larger community. This includes the neighborhoods we practice in, other Zen centers, and the civic communities of which we are a part.

Approved by the Clouds in Water Board of Directors, February 2013

Amended 2017