



Clouds in Water Zen Center Ethical Guidelines, Grievance Policy and Reconciliation Process

(updated June, 2015)

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. If a Clouds in Water Zen Center member or visitor wishes to complain about a breach of these ethical guidelines, he or she should promptly report a grievance pursuant to the procedures set forth in this policy statement.

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 the speaking from the heart. I take up the way of **Not speaking falsely**.*

5. *Cultivating a mind that see 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)**.*

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. This involves refraining from behaviors that harm other community members or the community as a whole, and engaging in behaviors that promote good. In the event that any questions or issues arise concerning possible ethical violations within the community, it is also the responsibility of each community member to listen deeply, to be open-minded, and to exhibit compassion and wisdom.

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 he or she believes is of significant harm to an individual or to the community as a whole, it is important that the member express his or her concerns appropriately (using the grievance procedure if necessary), rather than remaining silent. Similarly, if a member has personally experienced misconduct by anyone in a position of trust (teachers, priests, directors, officers), 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 teachers, priests, directors, and officers. All teachers, priests and spiritual leaders at Clouds in Water have committed to practice right conduct in their relationships, to refrain from becoming sexually involved with students, and to maintain confidentiality about all personal matters. Exploiting relationships, harming others, or abusing influence breaches this trust, especially when such misconduct occurs under the pretense of teaching methods or Zen practice. Examples of misconduct include, but are not limited to, physical violence, misappropriation of community funds, breach of confidences, and sexual relations between a teacher and student. Misconduct by those in positions of trust can significantly undermine the integrity of the community.

Sexual Relationships

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 advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature which is unwelcome. Continued expression of sexual interest directed at another Clouds in Water Zen Center member or visitor to Clouds in Water Zen Center, after being informed that such interest is unwelcome, or in a manner that is offensive, is a misuse of sexuality. 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:

If you feel comfortable in doing so, tell the person responsible for the behavior that his or her actions are unwelcome and request that the behavior stop. If you do not feel comfortable in making such a request, or if you make the request and the behavior of the offending person does not stop, you should report the behavior as a grievance according to the instructions set forth in this policy. Or, if you prefer, you are also welcome to speak to a teacher or senior student about the harassing behavior to help you work through a strategy for speaking directly with the person involved.

Confidentiality

It is our intention to create an environment at Clouds in Water where student 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 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.

You do not need to hold private either information shared by you or by the teacher or senior student with whom you meet. However, students are asked to be deeply mindful of the manner in which they treat information shared between themselves and the teacher in practice meetings. This information 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) council of Clouds in Water Zen Center.

Non-Discrimination Policy

Clouds in Water Zen Center is committed to promoting and maintaining an open and diverse community. Any disrespectful, discriminatory, or preferential treatment of others on the basis of race, gender, sexual orientation, gender identity, marital status, age, disability, income, ethnicity, or national origin is a violation of the Clouds in Water Zen Center ethical guidelines.

GRIEVANCE PROCEDURES

Ethics and Reconciliation council

Clouds in Water Zen Center has a group called the Ethics and Reconciliation Council (EAR council), which is set up to attend to all grievances and reconciliation processes. The EAR council membership is determined by the board of directors, and in the absence of a working council, the board of directors shall act as the EAR council. The names of the current EAR council members, as well as additional contact information, are available by contacting the Clouds in Water Zen Center office at 651-222-6968. You may also send an email to EAR@cloudsinwater.org.

Reporting Grievances

Grievances may be made orally or in writing. If you wish to file a grievance regarding a breach of the ethical guidelines, please report your grievance to one of the following: the Guiding Teacher, any member of the Clouds in Water Zen Center EAR council, or any member of the Clouds in Water Zen Center Board of Directors. The person who receives the grievance shall promptly report it to the full EAR council. 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. If the grievance is against one of the the members of the EAR council, that person will be asked to recuse him/herself while the council discusses that grievance.

Process for Investigation and Resolution

There is no single appropriate way in which to investigate and resolve a grievance regarding unethical conduct. The EAR council needs to consider the facts and circumstances particular to the individual case. The following guidelines, however, shall be followed:

1. The EAR council should first explore, where feasible, whether the grievance can be resolved in an informal manner that is acceptable to the parties. This will promote harmony in the community.
2. Where an informal resolution is not possible, the EAR council 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 detailed record will be kept of any interviews or other investigation. In matters which involve allegations of sexual misconduct, misappropriation of funds, or other serious charges, the EAR council will consult with the Board of Directors to the extent practicable concerning the appropriate process for fact finding. The Chair of the EAR council and Chair of the Board of Directors shall also be responsible for seeking appropriate legal counsel in such situations.

3. When the investigation is completed, the EAR council 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 council level will help to promote harmony within the community. The EAR council 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 council shall report the grievance to the Board of Directors and the Board shall be ultimately responsible for the determination of the grievance, with appropriate input from the EAR council.

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 council may appeal the decision to the full Board of Directors. This right of appeal would not apply in those instances where the EAR council has already involved the full Board of Directors in the decision making process.

Partial List of Possible Decisions by the EAR council or the Board of Directors

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 which needs resolution elsewhere.
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 council
7. Private reprimand
8. Public censure. This involves the findings and action of the EAR council, 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 council, 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 council 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.

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 truth: Acknowledging that each of us has our story about the events around us and that no one story encapsulates the truth.

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

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, expresses a desire for reconnection and brings a request to the EAR council to engage in the reconciliation process. This request includes the expression of a desired outcome for the process.

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

2. The EAR council, 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 Council 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 Council is satisfied that the points laid out in step #2 above, have been accomplished, the EAR Council invites the other person or people who were involved in the situation to explore their interest in participating in the reconciliation process. The EAR Council may decide to proceed with step #3 in cases where some of the points in step #2 above have not been accomplished if the EAR Council concludes that there is the possibility that all points under #2 will be accomplished during the course of the process and that there is little likelihood that additional harm will result by proceeding forward.
4. The EAR Council 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 council 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 Council determines a format for bringing the people together which has a reasonable likelihood of achieving the desired outcome. The EAR council, 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 council, a meeting of the parties with a neutral facilitator, or meeting of the parties with the EAR council or its designee.

6. The proposed coming together takes place. Afterwards, each party participating in the coming together provides feedback to the Ear Council on their view of the outcome and of additional steps, if any, needed to reach reconciliation.
7. The EAR council 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 Council 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 Council 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.