

Ethics Guidelines for Berkeley Zen Center

*To avoid all harm, to cultivate good, and to purify the mind.
This is the teaching of the Buddhas.
-The Dhammapada*

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1. Introduction

The intimacy of Zen practice, teachers and students, dharma friend and dharma friend, is a source of great joy in the Berkeley Zen Center sangha. The Bodhisattva Precepts serve as our guide along the path of right speech, right conduct, and relationships. Practice is based on trust, safety, respect, and true communication. The sangha jewel is formed of such relationships. We offer the following to nurture an atmosphere where people can practice without fear or distraction, where dharma comes first.

We acknowledge that difficulties may arise among members related to power differentials. Differences of race, ethnicity, gender, sexual orientation, and physical disability require awareness and sensitivity. This document provides the broad principles for how this sangha integrates the precepts in coping with conflicts and ethical issues. A companion document, the *BZC Procedures for Resolution of Issues Brought to the Harmony, Ethics and Reconciliation Committee*, provides more detailed and specific guidance. It is available from the HEAR committee

2. Harmony, Ethics and Reconciliation (HEAR) Committee

In the course of daily sangha interactions, disagreements, conflicts, misunderstandings and unethical behavior can occur. In some situations, the ethics of a behavior may not be clear. The HEAR Committee exists, first and foremost, to assist sangha members when they are not sure about their own ethical course in unclear situations. Sangha members are encouraged to bring concerns to any member of the HEAR Committee for

consultation, support, and advice. When ethical dilemmas present themselves, usually the earlier one seeks consultation the better, but sangha members may seek such consultation at any time. In some cases, a meeting with a member of the HEAR Committee may be sufficient to clarify the issues involved; in other situations, either the sangha member or the HEAR Committee member may wish to consult with the entire Committee.

Among the situations where consultation with a member of the HEAR Committee is warranted are: those involving inappropriate sexual behavior; abusive conduct or harassment; incompetence that threatens the sangha; and use of position for personal gain or exploitation.

In certain situations, it is unethical to do nothing. The following conduct must be brought to the attention of the HEAR Committee: situations involving suspected abuse against an elder, child or partner where reporting would be required of a therapist; misappropriation of sangha funds; or gross and harmful incompetence in performance of a BZC position.

3. Sangha Relationships

Our practice at BZC can be warmhearted and close, but it is important to remember that with the intimacy of practice, confusion regarding sexuality, power and confidentiality may arise in ways that can harm practitioners and the sangha if not dealt with skillfully. Desires of all kinds are part of life. Rather than allowing desires to control us, leading to suffering, it is our intention to be compassionately aware of these feelings while returning to our original vow to awaken with all beings, and to practice spiritual friendship at BZC and in the wider world.

Following are comments regarding specific types of relationships within our sangha:

a. Teacher Relationships to Students

Over the years, as we look at ourselves and other practice communities, we have come to understand that spiritual and psychological harm can often result when teachers and students become sexually involved, violate trusts, or use power and/or position for personal gain or manipulation. Such harm can damage the whole community.

At Berkeley Zen Center, all the priests and the lay practice leaders (i.e. lay leaders who offer practice discussion and/or give dharma talks) have made a commitment to conduct relationships in accord with the Bodhisattva precepts. Because of this commitment, the responsibility for maintaining appropriate and clear boundaries always rests with the priest or practice leader. They will respect and protect the personal autonomy of all students, and refrain from sexual involvement with students.

If a priest or lay practice leader decides nevertheless to pursue a sexual relationship with another sangha member, a process will be initiated to determine what changes in their role in the community may be necessary. It is in the interest of all concerned that both parties first seek guidance and counsel from either their teacher, the HEAR Committee and/or the senior student group.

b. Relationships with Students New to BZC Practice

We want to offer an environment where new practitioners can develop their own relationship with practice and with the sangha, free from discrimination or social pressure. We request all BZC members to be mindful of the benefit for a new student in not being distracted from the primary activity of establishing her or his own practice.

All members in leadership positions, and those who have responsibilities which could reasonably be perceived as leadership roles -- (for example, members and officers of the BZC Board of Directors; members of the HEAR Committee; BZC residents and priests; Saturday directors; *sesshin* directors; the coordinator, the office manager, the *tenzo*, the *zendo* manager, *shusos*, *benjis*, senior students, front seat persons)—are expected to abstain from sexual relationships with new BZC students during the new students' first year of practice.

Anyone having questions about how this guideline is implemented may speak with their teacher, or any member of the HEAR Committee.

c. Confidentiality

Dokusan, practice discussion, way-seeking mind talks, questions at *shosan* ceremonies and discussions within dharma groups are venues for sharing highly sensitive personal information. Honoring the dialogue between teachers and students is a foundation of personal and sangha relations. Teachers are expected to maintain confidentiality about matters raised in *dokusan* or practice discussion. Students are expected to refrain from idle talk about matters brought up in *dokusan* and practice discussion, and to respect confidences shared in way seeking mind talks, *shosan* or dharma groups.

Confidentiality is the basis of mutual trust between student and teacher. However, for the well-being of individuals and of the sangha, there are times when teachers or practice leaders need to consult about confidential matters raised in practice discussion. Such consultations are never done lightly, and only as much information is shared as is needed to clarify and bring harmony to the situation at hand. The consultations themselves are kept confidential. Such consultations are required where a serious ethical breach has occurred or

where specific reporting laws apply (see HEAR Committee section).

d. Therapists and Helping Professionals

Sangha members are discouraged from using the community as a source of business or professional clients. We request that BZC teachers and sangha members who work as psychotherapists, physicians or attorneys avoid entering into professional relationships with sangha members. Others in the helping professions are asked to be sensitive to the delicate balance between worker and client, and the possible complexity of dual relationships when both parties practice at the same dharma center.

e. Mindful Speech

In a small community great harm can come from speech that is inconsistent with the precepts. Mutual respect and trust are built when all sangha members speak truthfully and compassionately with the intent to be helpful and observe the clear mind precepts regarding right speech: refraining from lies, gossip (self-serving talk), slander, and apportioning blame. When a conflict arises, it is best to address it directly with the other person. Sometimes, however, it may be wise to discuss this with a teacher or practice leader to assist in developing a more skillful approach. It may also be useful to have a neutral third person involved to try to resolve a conflict, if a one-to-one attempt has failed.

In these situations, mindful discussion with a dharma friend who is not a teacher can also be useful. However, we discourage sharing a concern widely as a means to gain support for one's position, since this can foster conflict rather than reconciliation.

f. Avoiding Abusive Speech

BZC members should reasonably expect to practice in a supportive and harmonious environment. How we speak and act with one another is an expression of that harmony. Towards that end, we make every effort not to use words that create discord, and to reconcile and resolve our conflicts, small or large.

Verbal abuse and violence are not acceptable at BZC. Verbal abuse includes shouting, chewing out, blowing up, threats, humiliation, undermining, verbal manipulation, and *ad hominem* attacks. Abusive speech has wide effect, both for parties to the conflict who may be traumatized, and for witnesses. Members are not expected to work with other sangha members who demonstrate an ongoing pattern of harsh or hostile language.

This applies to everyone at BZC, irrespective of position or seniority. Those

holding a practice position are expected to understand that abusive speech and anger are not acceptable expressions of direction or leadership. Failure to uphold a standard of patience and kindness is a ground for suspension of sangha responsibilities.

Conflict, of course, is inevitable and can be creative. But violence of any kind divides and traumatizes. How we work together is as important as accomplishing the task at hand.

4. Recourse – Bringing Informal Complaints or Formal Requests (see *Ethics Procedures* for more details)

Maintaining the wellbeing of the sangha is the mutual responsibility of all members. If you feel that the guidelines discussed here are not being observed, or simply wish to share your discomfort, we request that you bring your concerns to the attention of the Abbot, the Vice Abbot, or a member of BZC's HEAR Committee. Your questions will be taken seriously and examined according to a principled and confidential process. We hope that diligent inquiry, honesty, compassion, and openness will strengthen the sangha and support our wonderful Zen practice for many years to come.

A member is advised to bring an *informal complaint* when there is a conflict or confusing situation for which they would like to seek a reconciliation process.

The purpose of a *formal complaint* is to investigate and adjudicate a possible serious breach of these ethical guidelines. The HEAR Committee has authority to remove a person from a practice position, a leadership role, or residency at BZC for ethical misconduct, or to designate other appropriate consequences. The authority for such actions is vested primarily in the HEAR Committee by the Board of Directors, but it must secure the additional agreement of at least one of the following: the Abbot, the Vice Abbot, or the BZC Board president. In cases where serious consequences are indicated, efforts will be made to maintain the confidentiality of the involved parties; however, it cannot be guaranteed. The HEAR Committee will consult with senior members of the BZC community and/or others as it deems necessary to provide for the safety, welfare, and harmony of the sangha.



HEAR Members 2018:

Stan Dewey, Chairman; Mary Duryee; Gerry Oliva; Tom Painter; Penelope Thompson.
Vice Abbot Hozan Senauke, *Ex Officio*