

Still Mind Zendo, Conflict and Complaint Resolution Guidelines

March, 2022

In accordance with the encouragement of the White Plum Asanga (WPA), Still Mind Zendo (SMZ) has developed a [Code of Ethical Conduct](#), much of which is based upon the WPA's own ethical guidelines. In the event that a concern arises about a possible violation of that code of conduct by any member of the sangha, or in the event of conflicts between/among sangha members, the Board of Directors has established these Conflict and Complaint Resolution Guidelines. Our hope is that these guidelines will provide a compassionate and fair means to bring forth any concerns in a manner that is respectful and considerate of all parties involved, and which honors our ongoing practice of the Sixteen Bodhisattva Precepts and the practice of not-knowing.

The Resolution Committee

The Board of Directors appoints a Resolution Committee (RC) of three members (one of whom will serve as committee chair) for a term of three years. At least one member of the RC will be a member of the Board. Terms may be renewed. Membership should as far as possible reflect the gender and racial diversity of the sangha. The RC chair will be responsible for keeping records of the committee's activities. The Resolution Committee chair reports to the board through email whenever a conflict of note arises, as well as at the board's regular meetings. Resolution Committee members' names will be posted on the SMZ website and in the Zendo.

Throughout any complaint process, the Resolution Committee and the Board of Directors maintain, so far as possible,

- confidentiality in all matters pertaining to a complaint by limiting external communications to the parties to any complaint and significant stakeholders in the resolution of the complaint;
- efforts to assure that neither the respondent's nor the complainant's reputations are unnecessarily impugned during the course of the investigation;
- the avoidance of medical or psychological diagnosis of behaviors;
- transparency of its processes by keeping all parties to a complaint regularly informed no more than every two weeks, even if the report is that there is nothing to report, and also as needed regarding the progress of a resolution effort.

Steps for Resolving Conflicts or Complaints

Step 1. Resolving Conflicts or Complaints Informally Between and Among Sangha Members

When a conflict arises between or among members of the Sangha, the persons should speak together informally and make every effort to resolve the situation within two weeks of any incident or perceived conflict.

We recognize there may be situations where speaking directly to another person is not advisable. When speaking directly is inappropriate to the situation or when attempts at speaking directly are unsuccessful, an SMZ member may contact a member of the Resolution Committee for assistance in setting up a facilitated meeting

If necessary, Step 2: Facilitated meeting: The Resolution Committee, or a single member of the committee, may offer to facilitate a meeting for both/all parties, or to help identify another facilitator. All parties to the complaint should agree on the facilitator. If such a meeting is inadvisable, or no resolution is reached through a facilitated meeting:

If necessary, Step 3: Submitting a Formal Complaint to the Resolution Committee: Formal complaints about any SMZ member (or any non-member regularly involved in sangha activities) may be made in writing to any member of the Resolution Committee. Complaints or concerns may also be raised by sangha members who may not be directly involved in alleged misconduct but claim to have witnessed it. Formal complaints should include:

- The name of the person filing the complaint.
- The name of the person or persons whose behavior the complaint concerns.
- A description of the alleged behavior, including any attempts made to informally resolve the conflict or complaint.
- A general statement about the resolution desired.

If a member of the Resolution Committee is party to the complaint, or is in a significant personal relationship to the subject of the complaint, he or she will recuse him/herself from discussion of the complaint, and the board will appoint a temporary member to partake in discussion about the complaint.

The chair of the RC will communicate with all parties to any complaint every two weeks about the status of any complaint, and any actions on the part of the RC and/or Board related to the complaint.

Step 4: Opportunity for Respondent's Written Response: The Resolution Committee will share the formal complaint with the person named in the complaint. The person named may provide a written response to the formal complaint and submit this to the Resolution Committee.

Step 5: Assessing the Formal Complaint for Possible Egregious or Illegal Behavior: The RC will assess whether a formal complaint describes what would be egregious or illegal behavior (such as sexual harassment, significant financial impropriety, threats or threatening behavior, or any form of physical violence).

If the RC determines that the complaint *does not* describe what would be considered egregious or illegal behavior, the RC will continue to facilitate the resolution process (see Steps 6-9 below).

If the RC determines that the formal complaint *does* describe what would be considered egregious or illegal behavior, the RC will submit a copy of the formal complaint (and, if one

exists, the written response from the respondent) to the Board of Directors. The RC will facilitate the resolution process (Steps 6-9, below), in regular consultation with the entire Board. If a board member is the subject of the complaint, or is in a significant personal relationship with the subject of the complaint, the board member will recuse him/herself from this and any future discussion of the complaint.

Step 6: Interviews with Parties to the Complaint: The members of the Resolution Committee interview all parties to the complaint about the alleged behavior. In matters which involve allegations of sexual misconduct, threats or threatening behavior, physical violence, significant misappropriation of funds, or other serious charges, the Resolution Committee will consult with the Board of Directors to the extent practicable concerning the appropriate process for fact finding. The Board will be responsible for seeking legal advice or counsel as necessary.

Step 7: Narrative Timeline: The members of the Resolution Committee will construct a draft of a narrative timeline, which should be limited to facts surrounding the events that have given rise to the grievance. The narrative shall include differences of interpretation of events that may arise from the differing perspectives of the complainant and the respondent.. All parties shall be invited to respond to the draft.

Step 8: Report: The Resolution Committee writes a report which includes

- The narrative timeline;
- A summary of the ethical questions that arose in relation to possible violations of the SMZ Code of Ethical Conduct;
- An overall assessment of the allegations of ethical misconduct; and
- A clear, concise statement of the outcome of the investigation regarding the alleged ethical misconduct.

Step 9: Determination and Recommendation. In the case of formal complaints that *do not* involve allegations of egregious or illegal behavior, the RC determines whether the SMZ Code of Ethical Conduct has been violated and makes a recommendation to the board for appropriate resolution. In the case of formal complaints that *do* involve allegations of egregious or illegal behavior, the Board will make a determination and recommendations.

If the RC or board determines that there *has been no* violation of the SMZ Code of Ethical Conduct: both/all parties to the complaint will be notified of this determination.

If the RC or Board determines that there *has been* a violation of the SMZ Code of Ethical Conduct, the RC or board will make recommendations, and all parties to the complaint will be notified of the determination and recommended action.

If the RC (or Board) determines that the SMZ Code of Ethical Conduct has been violated, recommendations might include, but are not limited to:

- private or mediated apology;
- public acknowledgement and/or apology;
- letters of amends;
- financial restitution;

- acts of service as amends;
- mediated resolution (if both/all parties are willing)
- recommendations for therapy or counseling;
- temporary suspension of membership;
- revocation of membership;
- suspension or removal from teaching or other service to the sangha.
- referral of the issue to an independent party for investigation and recommendation. Independent parties may include White Plum Asanga teachers or someone with expertise in the subject area of the complaint.

We acknowledge here the efforts made by other sanghas to establish clear resolution guidelines, and express our gratitude for having made these guidelines available publicly. In writing these guidelines, we have drawn on a number of practices, such as those followed by the White Plum Asanga, the Zen Center of Los Angeles, the Upaya Zen Center, and Clouds in the Water Zen Center. i

Approved by the Still Mind Zendo Board of Directors, March 22, 2022