

# **Conflict, Complaint, and Ethical Review Processes**

(updated March 8, 2021)

## **Introduction**

Conflicts and concerns will inevitably arise within any community, and San Francisco Zen Center is no exception. The health of our community is measured by our willingness and ability to find effective, responsible, and compassionate means of resolving interpersonal conflict as well as tensions arising from violations of community guidelines.

SFZC seeks to respond wisely and compassionately to all difficulties that arise by fully addressing the suffering of all concerned. Informed by Buddhist practice, this means valuing dialogue over silence, reconciliation over estrangement, forgiveness over resentment, confession over accusation, and atonement over punishment, to the greatest extent possible.

In addition, SFZC is committed to continuing to develop the scope of its consideration of, and responsiveness to, interpersonal conflicts in ways that carefully address factors pertaining to cultural difference, marginalized identity, and biases/discrimination related to race, gender, sexual orientation, physical ability, age and institutional status. Because of the wide range of issues, conflicts, and other difficulties that may arise in community, we strive to find the most appropriate way to respond to each particular situation.

This document covers issues that may arise between current residents of SFZC or complaints brought against current residents of SFZC.

The following five sections provide guidelines for meeting a range of situations, beginning with the most direct and informal approaches, followed by ways to access additional support, and finally, two formal processes for use when other approaches have been exhausted or are not appropriate.

### **I. Interpersonal conflicts that can be resolved by the parties concerned**

### **II. Facilitated conversations**

### **III. Issues or complaints referred to the local temple leadership**

### **IV. Formal Complaint Process**

### **V. Ethical Review (includes violations of community guidelines)**

Note: Section V, Ethical Review, applies to members of senior leadership (e.g., Dharma-Transmitted Senior Teachers, Practice Leaders, Corporate Officers, Temple Directors, Zen Central Administrative Directors, SFZC Board members and Invited Teachers).

## **I. Interpersonal conflicts that can be resolved by the parties concerned**

San Francisco Zen Center encourages direct and informal resolution of difficulties between individuals by the parties themselves whenever possible. In most cases, an informal resolution of interpersonal conflict at SFZC has allowed for a more positive outcome for all parties involved.

Residential Practice Leaders and Directors are available to provide support for direct conversations to resolve interpersonal conflicts. Below are options available for conflict resolution, listed in order of increasing levels of support.

### **a. Direct conversation with the person**

Practice Leaders and Directors are available to discuss the issue and offer guidance in support of direct conversations between the parties in conflict. For recommended guidelines for face-to-face conversations, see Appendix 1, *SFZC's Communications Protocol for Practicing with Conflicts and Disagreements* and Appendix 2, *Agreements for Multicultural Communications*.

### **b. Supported conversation with a third person present, and/or with allies of each party present**

This may be arranged informally between the parties, or Residential Practice Leaders or Directors may be requested to arrange for such support.

## **II. Facilitated conversations**

### **a. Facilitated conversations (not related to work-practice)**

When there is a desire for additional support and structure, the Tanto or Director may be requested to arrange for someone acceptable to both parties to facilitate the conversation.

### **b. Facilitated conversations (that are related to work-practice)**

Interpersonal issues involving work-related role relationships should be directly

communicated to the supervisor(s) of those involved in a timely fashion for help in resolving the issue. Either party in the conflict can initiate this communication.

If the issue involves one's supervisor, it should be reported directly to the Temple Director or the Tanto. If the conflict involves the Temple Director or the Tanto, the conflict should be reported to the local Abbot/Abbess or Abiding Teacher by the concerned party/parties.

If the work-related issue involves one or more individuals in Zen Central Administration,<sup>1</sup> it should be brought to a manager or supervisor first. If the situation is not resolved, it should be brought to the Director or Officer who supervises the manager or supervisor.

Serious work-related conflicts in Zen Central Administration or a conflict between two members of senior leadership (e.g., Tantos, Temple and Zen Central Directors, Officers) should be reported to the President and/or Central Abbot/Abbess.

Note: If you are unclear about the reporting structure and who the supervisor(s) are, please contact Human Resources for information about the appropriate person(s) with whom to communicate.

### **III. Issues or complaints referred to the local temple leadership**

Conflicts, issues or complaints that cannot be resolved through the processes in Sections I and II above (including conflicts in which a facilitated conversation is not viable or appropriate) should be brought to the local temple leadership (Abiding Abbot/Abbess, Abiding Teacher, Tanto and/or Director).

In such cases, the issue or complaint should be directly reported to the Director/Tanto, who will discern whether more information is needed, and, if so, consult with the Practice Committee and others (e.g., the person's teacher, the Abbots Group, or Human Resources), and, together with the parties involved, determine the outcome. All concerned parties must maintain the confidentiality of the parties involved.

If one or both of the parties is a member of senior leadership (e.g., Dharma-Transmitted Senior Teachers, Practice Leaders, Corporate Officers, Temple Directors, Zen Central Administrative Directors, SFZC Board members and Invited Teachers), local temple

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<sup>1</sup> Zen Central Administration includes the following departments: Accounting, HR, Programs, Development, IT, Hospitality, and the SFZC officers (President, Vice President, Secretary, CFO/Treasurer). These departments and individuals are located primarily at City Center.

leadership should request a Formal Complaint Process (see Section IV) or an Ethical Review (see Section V).

## **IV. Formal Complaint Process**

A Formal Complaint Process is generally conducted as a last resort, to be pursued only when all other avenues have either been exhausted or are not appropriate. Because the concerned parties are not part of the decision-making process, a Formal Complaint Process carries a greater risk of unanticipated or unwanted outcomes.

However, a Formal Complaint Process may be an appropriate remedy when it is not possible, or has not been possible, to resolve the issue in less formal ways, especially when the issue has involved harmful or unethical conduct that may have potential legal implications, such as a suspicion or accusation of unfair treatment, racial or gender discrimination, theft, harassment, sexual harassment, bullying, or threats of violence.

The Abbots Executive Group<sup>2</sup> (AEG), in consultation with the Abbots Group and Human Resources, is the authority within SFZC for decisions related to Formal Complaints. The only institutionally recognized path to formally address complaints at SFZC is the process outlined in this document.

All Formal Complaint decisions by the AEG are final.

### **Steps in a Formal Complaint Process**

#### **A. Bringing a Formal Complaint**

The AEG will provide a form for Requesting a Formal Complaint Process to the party filing a complaint. The form includes:

- The name of the person(s) whose behavior the complaint concerns.
- A description of the alleged behavior sufficient to allow the AEG to make an initial determination about how to respond to the complaint (see #2, below).
- A summary of the attempts made, if any, to resolve the complaint through other means.

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<sup>2</sup> The Abbots Executive Group is the Central Abbot, the SFZC Board Chair, and the SFZC President.

- A statement specifying the resolution or outcome desired (this may be either general or specific).

## **B. Receiving, reviewing, and responding to the complaint**

The AEG will receive and review the form and discern what the appropriate next steps are. This process may involve an interview with the person bringing the complaint.

The AEG may do one of the following:

- Accept the request for a Formal Complaint Process,
- Refer it to the Abbots Group for an Ethical Review, or
- Make another determination about how to proceed.

The AEG must convey its initial response to the party filing the Request for a Formal Complaint Process **within 14 days**. However, an expedited response should occur in cases where there is a potential risk of imminent danger or lack of safety, or otherwise when appropriate, as in the case of ongoing sexual harassment.<sup>3</sup>

If the party submitting the request is concerned about their safety while waiting for a response from the AEG, they should alert their supervisor or Director to address these safety concerns immediately. If the supervisor or Director is named in the Request for a Formal Complaint Process, the party submitting the request should address their concerns promptly to the local Tanto or Abiding Abbot.

## **C. Investigating the complaint**

If a Formal Complaint is accepted, the AEG will initiate an investigation by contacting HR. The AEG may choose to use an outside investigator. The investigation may include closed meetings in which all parties may present their understanding of the issue under investigation. The investigator may question the parties and other witnesses, request and review documents, may request additional information and take such other steps that the investigator deems to be appropriate. The investigator will present their findings in the form requested by the AEG, including, if requested, a written report. Unless any “witness” has requested confidentiality, and the AEG has approved of the

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<sup>3</sup> Particularly in the case of ongoing sexual harassment, it is often advisable that the alleged harasser be promptly alerted that a complaint has been received and the harasser should have no contact with the complainant until the matter has been resolved. As part of this notification to the party named in the complaint, the AEG may state its general understanding of the issue under inquiry and may provide a copy of the Request for a Formal Complaint Process to that party.

submission of such confidential information, all parties will have a full and fair opportunity to review and respond to the information (oral, written, or otherwise) gathered by the investigator. Except for informing appropriate community leaders, the proceedings will be held in confidence for the duration of the proceedings.

#### **D. Findings**

When the AEG has decided that the investigation has concluded, it will review the case with the Abbots Group. In its discretion, the AEG may also consult with other Zen Center leadership as necessary and may consult with any other person(s), including attorneys.

The AEG's decisions are by consensus. Within 14 days of a decision (or such later date as has been agreed upon by all parties), all parties will reconvene, at which time the AEG will distribute copies of its written findings. For matters involving the potential suspension or expulsion of an SFZC teacher, the AEG will consult with the Abbots Group to determine the best course of action. Examples of potential resolutions include, but are not limited to: an apology to SFZC community and/or membership; a period of probation; suspension or dismissal from certain positions of responsibility within the SFZC community; a finding that there was no misconduct (see Appendix 5, *Non-exclusive List of Possible Resolutions of a Formal Complaint*).

Decisions made by the AEG pursuant to this policy are final.

#### **V. Ethical Review (includes violations of community or ethical guidelines)**

Practicing with the precepts is an expression of our vows and values and a cornerstone of sangha life. When those in senior leadership (e.g., Dharma-Transmitted Senior Teachers, Practice Leaders, Corporate Officers, Temple Directors, Zen Central Administrative Directors, SFZC Board members<sup>4</sup> and Invited Teachers), who are seen as role models, violate community or ethical guidelines, a lessening of trust can ripple out in the sangha. This can be a source of deep pain and concern. Those in leadership roles are held in trust by the sangha and must be fully accountable for their actions.

Allegations of harmful and unethical conduct by senior leadership should be submitted to the Abbots Group (Central Abbot, Abiding Abbots/Abesses and Tassajara Abiding Teacher) for ethical review. Examples of such conduct include abuses of power, malicious gossip,

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<sup>4</sup> Nothing contained in this section shall be interpreted to mean that an SFZC Board member is required to be an active and practicing member of any particular faith or religion.

inappropriate sexual relationships, theft, bullying, violence or threats of violence, verbal or electronic abuse, and not respecting agreed-upon boundaries.

Allegations of such conduct by residents other than members of senior leadership should be brought to local temple leadership (the Abiding Abbot/Abbess/Tassajara Teacher, Director, and Tanto).

Issues involving harmful conduct and unethical conduct by an Abiding Abbot/Abbess, Abiding Tassajara Teacher, or current Board Member shall be referred to the SFZC Board of Directors for investigation and resolution. When allegations are brought against an Abiding Abbot/Abbess, Abiding Tassajara Teacher or current Board Member, that person shall have no role in determining the course of the investigation and its resolution, except to the extent they choose to provide testimony documents and referrals to other witnesses in response to the allegations. The “Steps in an Ethical Review Process,” as set out below, shall be modified appropriately to cover the Board Review contained in this paragraph.

### **Steps in an Ethical Review process**

- A. The local temple leadership will send a written report of the alleged misconduct to the Abbots Group.
- B. The Abbots Group will decide whether more information is needed from the parties involved.
- C. The Abbots Group will consult with others as needed (e.g., the person’s teacher, the Abbots Executive Group, Human Resources and/or the Central DEIA Committee) in accordance with the section on Ethical Misconduct in the *Leadership and Decision-Making Matrix* (see Appendix 3). Consistent with the “Steps in a Formal Complaint” in Section IV, the Abbots Group may decide to appoint an internal or external investigator under such conditions as the Abbots Groups may decide and who will report to the Abbots Group.
- D. The Abbots Group will determine whether there has or has not been harmful and/or unethical conduct. If the decision is that harmful and/or unethical conduct has occurred, the Abbots Group will decide what action must be taken, if any. Possible actions would include, but are not limited to, issuing a written warning with conditions, requiring a transgressor to take a leave of absence from his/her current work practice position, stepping back from teaching, or being asked to leave residence at SFZC.

- E. The Abbots Group will determine any further actions necessary to fully resolve the issue. This may include informing some or all members of the community, as appropriate to a specific situation.
- F. All reports of investigations will be stored in SFZC's confidential files.
- G. A verbal or written statement will be given to the appropriate audience, as determined by the Abbots Group, regarding the end result.
- H. The powers and procedures exercised by the Abbots Group under this policy shall, where relevant, apply to and generally be followed in respect of those matters referred to the Board of Directors under this policy. The Board of Directors shall exert its authority and make determinations consistent with the SFZC Articles and Bylaws and the California Corporations Code.

Decisions made pursuant to this policy by the Abbots Group (and, where relevant, the Board of Directors) are final.



## Appendix 1

# SFZC Communication Protocol

## for Practicing with Conflicts and Disagreements

*The following protocol has been developed to encourage members of the SFZC community to take the initiative for informal, face-to-face communication when there is disagreement or conflict. It offers a respectful and considerate way to promote resolution and restore harmony in accord with our values and practices. This protocol is a work in progress; you are encouraged to take it up as a form for resolving conflict, and to make suggestions for changes and improvements.*

### **If you have a conflict or concern you wish to address with a member of the community...**

#### **Preparation**

1. Reflect on the potential benefits of having a conversation to address the issue or concern. There may also be potential drawbacks, or better ways to address the issue.
2. In preparing for the conversation, consider the other person's perspective; reflect on your own part in the conflict; and keep in mind that you don't know what you don't know.
3. Consider checking in with a trusted third party (e.g., a practice leader, friend, or conflict resolution facilitator) who can serve as a confidential sounding board and provide impartial, compassionate feedback or guidance to you. In enlisting this person's support, be clear that you wish to avoid gossip or other divisive dynamics.
4. Respectfully request a conversation. Briefly state the issue and share your intention, if possible, in terms of a shared value or goal, so the other person has a chance to reflect before the meeting. For example, "Could we meet to talk about \_\_\_\_\_ so we can continue our work together better?"
5. Set a time and place, and decide if you would like a neutral third party to witness or facilitate.

## **The Conversation Itself**

1. You may wish to begin by bowing, thanking the other person for agreeing to the conversation, acknowledging discomfort, or sitting quietly for a moment before beginning.
2. Share your intentions for meeting together.
3. Assume positive intent on the part of the other and be curious and open. Be sensitive to cultural differences and different communication styles.
4. Share your view of the situation using “I” language, owning your own perspective and experience. Describe how the situation has affected you, emotionally and/or functionally. Make an effort to let go (or acknowledge the presence) of assumptions, interpretations, judgment, and blame.
5. Ask the other to share their perspective and experience. Listen carefully and be prepared to work towards a mutually beneficial solution.
6. At the end of the meeting, check for mutual understanding, agree on next steps, and determine how and when you will follow up with each other. Decide together if the results of your discussion will affect others, and if so, what should be communicated to them (e.g., to inform others who are aware of the conflict that it has been resolved). Clarify whether the conversation will otherwise remain confidential.

## **If you are the receiver of a concern from another member of the community...**

### **Preparation**

1. Prepare by reviewing this communication protocol.
2. Assume positive intent on the part of the person who has initiated the conversation. Think of it as a learning conversation, and cultivate an attitude of respect, curiosity, openness, and empathy.
3. Reflect on the potential benefits of having a conversation to address the issue or concern. There may also be potential drawbacks, or better ways to address the issue.
4. In preparing for the conversation, consider the other person’s perspective; reflect on your own part in the conflict; and keep in mind that you don’t know what you don’t know.
5. Consider checking in with a trusted third party (e.g., practice leader, friend, or conflict resolution facilitator) who can serve as a confidential sounding board and

provide impartial, compassionate feedback or guidance to you. In enlisting this person's support, be clear that you wish to avoid gossip or other divisive dynamics.

### **The Conversation Itself**

1. Engage in active listening without interrupting, except to ask brief clarifying questions. Notice any new information you have gained. Accept the person's narrative as something that is true for them.
2. Reflect back what you have heard, checking for accuracy and completeness.
3. Share your perspective on the situation and its impact on you. Be prepared to discuss possible solutions.
4. At the end of the meeting, check for mutual understanding. If necessary, agree on next steps and determine how you will follow up with each other. Decide whether the result of your discussion will affect others, and if so, what should be communicated to them. Clarify whether the conversation will otherwise remain confidential.

### **If both parties make a good faith effort to resolve the problem, but are unable to do so, options include (all with mutual agreement):**

- Enlist the support of an impartial third party (e.g., someone trusted by both parties, conflict resolution facilitator, or practice leader).
- Take a break and return to the issue at a later date.
- Respectfully disagree, let it go, and move on.
- Raise the issue with a decision-maker (e.g., Director or supervisor) if there are questions about policy or job descriptions, a request to change roommates or jobs, or a request for no contact.

### **Reminders**

- Conflict and disagreement are inevitable parts of living and working with other people. It is potentially very productive and can help deepen our intimacy and ease with each other.
- Communicating in conflict is a practice, and it may take time to develop skills in this area. The more you practice, the easier it will become.

## Appendix 2

### **AGREEMENTS FOR MULTICULTURAL INTERACTIONS**

#### **“TRY IT ON”**

Be willing to “try on” new ideas, or ways of doing things that might not be what you prefer or are familiar with.

#### **PRACTICE SELF FOCUS**

Attend to and speak about your own experiences and responses. Do not speak for a whole group or express assumptions about the experience of others.

#### **UNDERSTAND THE DIFFERENCE BETWEEN INTENT AND IMPACT**

Try to understand and acknowledge impact. Denying the impact of something said by focusing on intent is often more destructive than the initial interaction.

#### **PRACTICE “BOTH / AND”**

When speaking, substitute “and” for “but.” This practice acknowledges and honors multiple realities.

#### **REFRAIN FROM BLAMING OR SHAMING SELF & OTHERS**

Practice giving skillful feedback.

#### **MOVE UP/MOVE BACK**

Encourage full participation by all present. Take note of who is speaking and who is not. If you tend to speak often, consider “moving back” and vice versa.

#### **PRACTICE MINDFUL LISTENING**

Try to avoid planning what you’ll say as you listen to others. Be willing to be surprised, to learn something new. Listen with your whole self.

#### **CONFIDENTIALITY**

Take home learnings but don’t identify anyone other than yourself, now or later. If you want to follow up with anyone regarding something they said in this session, ask first and respect their wishes.

#### **RIGHT TO PASS**

You can say “I pass” if you don’t wish to speak.

(Adapted from Visions Inc., “Guidelines for Productive Work Sessions”)

**Appendix 3**

**Ethical Misconduct Decision-Making (SFZC Leadership and Decision-Making Matrix, p. 21)**

	<b>D Doer</b>	<b>A Authority</b>	<b>C Consulted</b>	<b>I Informed</b>
Local Temple Shingi/Precept Misconduct	Tanto, Director	Abiding Abbot/ Abbess/Tassajara Teacher	Teacher, Practice Committee	TBD
Officers, Temple and Zen Central (Admin) Directors	President, Supervisor	Abbots Group, President	Board Chair (for Officers), Teacher	TBD
Practice Leaders	To be appointed by Abbots Group	Abbots Group	Local Practice Committee, Teacher	TBD
Abbots	To be appointed by SFZC Board Committee	SFZC Board	Elder's Council	TBD

## **Appendix 4**

### **Definition of Sexual Harassment**

As a guide to what can be considered “Sexual Harassment” the following definition used by the State of California can be consulted. Please note that as a Church/Religious Organization, Zen Center is not covered by State discrimination statutes.

#### ***California State Definition of Sexual Harassment***

California State regulations define sexual harassment as unwanted sexual advances, or visual, verbal or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser. The following is a partial list of prohibited behavior:

- Visual conduct: leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons or posters.
- Verbal conduct: making or using derogatory comments, epithets, slurs and jokes. Verbal abuse of a sexual nature, graphic verbal commentaries about an individual’s body, sexually degrading words used to describe an individual.
- Physical conduct: touching, assault, impeding or blocking movements.
- Offering employment benefits in exchange for sexual favors.
- Making or threatening retaliatory action after receiving a negative response to sexual advances.

## Appendix 5

### Non-exclusive List of Possible Outcomes for Resolutions of a Formal Complaint

- Reversal, modification or affirmation of an administrative decision or action.
- Private or mediated apology.
- Reparation, to the extent possible, to the person who made the complaint and/or to the community.
- Follow-up meetings with the person's teacher, Abbot, Tanto, Practice Leader, Practice Committee or any combination of the above.
- Psychotherapy or participation in a recovery process (i.e., a drug or alcohol recovery program, or a 12-Step program).
- A public statement in which the findings and action of the Abbots Executive Group (AEG), are made public to the community.
- Apology to the SFZC community or membership.
- Period of probation, with probationary terms set by the AEG or some other SFZC body deemed appropriate to the particular case.
- Suspension from certain positions of responsibilities within the SFZC community.
- Suspension from SFZC 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 SFZC who will be responsible for deciding whether those conditions have been fulfilled.
- Requiring departure from SFZC.