

East Bay Meditation Center

Ethics, Restoration and Resolution Process, Policies and Procedures

EBMC Mission statement

Founded in a celebration of diversity, the East Bay Meditation Center welcomes everyone seeking to end suffering and cultivate happiness. Our mission is to foster liberation, personal and interpersonal healing, social action, and inclusive community building. We offer mindfulness practices and teachings on wisdom and compassion from Buddhist and other spiritual traditions. Rooted in our commitment to diversity, we operate with transparent democratic governance, generosity-based economics, and environmental sustainability.

Pursuant with our mission of providing transparent governance & sustainability in all facets of our community building, the Leadership of East Bay Meditation Center offers the following Restoration and Resolution Process, Policies, and Procedures to our spiritual community/Sangha and teachers.

ESTABLISHING AN EBMC ETHICS, RESTORATION AND RESOLUTION PROCESS (ER&R)

The Programs and Finance Director is the initial entry point for ethical concerns made to EBMC by community members. The concern may be sent electronically to ethicscouncil@eastbaymeditation.org. When an ethical concern comes in, the Programs and Finance Director will communicate the concern to Restoration and Resolution Council Chair and other Council members (see descriptions and definitions below). That group will decide next steps for how to best resolve the issue(s). This procedure is primarily designed for community members who have a breach of ethics with the EBMC organization or representatives of the EBMC organization. If there are internal conflicts within the organization, procedures may need to be tailored to accommodate personnel and human resource considerations.

These Ethics, Restoration and Resolution Processes are not intended to be a jury or court of law, even while there may be actions taken subsequent to the outcomes of the R&R process. This is not a legal document. We vision that these processes will restore relationships despite any conflict, difference, or harm that has occurred and that complex issues will become more resolved and understood through transparent sharing and respect.

ETHICS, RESTORATION AND RESOLUTION POLICY

East Bay Meditation Center is committed to earnestly resolving ethical breaches and problems fairly and promptly. Our aim is to follow appropriate steps of inquiry, investigation, written acknowledgement and resolution. An additional purpose is to provide the opportunity to restore relationships despite the occurring events. This is the intention in renaming the process from one of Grievance to one of Ethics, Restoration and Resolution.

As a responsible leadership team, we are aware of not only the spiritual relationships developed with meditation practice between teacher and community, but are also aware of the challenges and benefits faced by the intimacy of those relationships. The conduct exhibited by our leaders, our teachers, our staff, and our volunteers has a profound impact on the perceived safety, trust and respect of our community and Sangha. With the Dharma as our guiding voice, EBMC leaders, teachers, staff, and volunteers are committed to the ethical practice of appropriate dialogue, discussion and wise action.

We also acknowledge that the intention of “resolution” can imply a specific destination

can be reach. While there might not be a definitive “resolution” that will satisfy all parties involved, “resolution” in this process is defined as investigating, exploring, and hearing the experiences of all parties involved, and the EBMC organization doing its best to settle and conclude what actions are appropriate responses to any determined, not just perceived, breaches of ethical conduct.

ETHICS, RESTORATION AND RESOLUTION COUNCIL

In recognition of the wisdom of community groups, and that no individual has all perspectives of any complicated situation, especially in the complex and nuanced areas of ethics and conflicts, there is a council to support the Ethics, Restoration and Resolution process. Six members are selected for their integrity and objectivity. Membership on the ER&R Council will have representation from the Practice Groups, the LSangha, the Staff and the Program Committee.

- The Programs & Finance Director or staff who holds primary accountability for programming, is a standing member of the Council.
- The Program Committee will submit 1-2 names of committee members who are not serving on the LSangha or the Teacher Sangha for consideration to the LSangha.
- The LSangha will request 2-5 nominations from the Practice Group Coordinating Committees who are not members of the Teacher Sangha, LSangha or the Program Committee and will appoint two people to serve on ER&R.
- The LSangha determine two selections from each of the above groups and also will appoint two members from the LSangha. Six members in total.
- Note: for all members except staff (teachers, committee members, and LSangha), all time involved is regarded as service to the larger community and is not compensated.

For the first iteration of the Ethics, Restoration and Resolution Council, 2 members will serve for 2 years, 3 members will serve for 3 years. All subsequent terms will be 3 years in length. The LSangha will determine which members of the first iteration of the ER&R Council will serve how many years. The LSangha will also determine a timeline for implementing this process. Efforts will be made to have the Council membership represent the diversity of the EBMC communities. Members may serve only 2 consecutive terms. If members are unable to fulfill their role and need to step down, the LSangha will determine replacement members.

Prior to beginning term, each member will sign an Agreement and Acknowledgment Form.

PURPOSE OF THE ETHICS, RESTORATION AND RESOLUTION COUNCIL

The functions of the Council are to:

1. provide advice and consultation to anyone with concerns about the ethics of their own or another’s conduct (see ethics section below). The Council will maintain confidentiality concerning such consultations except when mandated by law.
2. advise and consult on independent resolution process of conflicts or disputes.
3. decide appropriate actions in response when ethical breaches or violations have been determined.
4. administer and oversee the formal Restoration and Resolution process (described later in this document).
5. review from time to time, and to the extent it is deemed appropriate, propose to the LSangha changes to the Restoration and Resolution Process, Policies, and Procedures.
6. Decision-making processes will be defined by the group as it is formed. These decision-making process may change over time as the process evolves in the growth of the organization. Acknowledging that there is no decision-making process that is universally effective in all conditions, the R&R Council will self-determine whether that process will be

by consensus, majority-vote, modified consensus with gradient of agreement, or other decision-making model.

CODE OF ETHICS FOR TEACHERS, STAFF, AND VOLUNTEERS

EBMC recognizes that the foundation of spiritual life rests upon our mindful and caring relationship to the life around us. We acknowledge that without the support of monastic vows, we have a need for clear guidelines. In keeping with this understanding and for the long-term benefit of ourselves and the community at large, we, as lay teachers, staff and volunteers agree to uphold the five lay training precepts. EBMC's teachers, staff and volunteers agree to adhere to ethical guidelines as specified in EBMC's documents: Ethical Conduct by Teacher in the EBMC Teacher Agreement and the EBMC Volunteer Ethics Agreement. Furthermore, we have expanded the scope of the five training precepts to make them explicitly appropriate to our specific roles at EBMC and in our diverse cultural settings.

1. *We undertake the precept of refraining from killing or causing violence/harm intentionally.*

This precept expresses the intent to live compassionately and harmlessly, arising from the acknowledgment of the inherent unity of all existence. When understood in its broadest context, not killing can also be understood as not harming, especially not harming the body or psyche of another. Physical violence and abusive behavior (which includes physical threats and extreme displays of anger and maliciousness) are understood as a kind of "killing." It is understood that the actions of individual teachers may be different in difficult areas such as abortion, euthanasia, the humane killing of pets, and vegetarianism. However, we all commit ourselves to fulfilling this precept to the best of our abilities in the spirit of reverence for life. When harm has been caused unintentionally, we will consciously undertake the practice to learn from our mistakes and unconsciousness to prevent future occurrences.

2. *We undertake the precept of refraining from stealing, or taking that which is not freely offered or given.*

This precept expresses the commitment to live from a generous heart rather than from a grasping mind. We agree to not take that which does not belong to us and to respect the property of others. We agree to bring consciousness to the use of all of the earth's resources in a respectful and ecological way. We agree to be honest in our dealing with money and not to misappropriate money committed to Dharma projects. We agree to offer teachings without favoritism in regard to a student's financial circumstances. At a personal level, covetous behavior harms the person who steals as well as the one who is stolen from. On a community level, stealing can undermine or even destroy the trusting environment for dharma practice. Those who handle Sangha funds, Dana collection, or other assets have a special responsibility to take care of them and avoid their deliberate misuse or misappropriation, both of which are institutional forms of stealing. In addition, we recognize that the misuse of authority and status is a form of taking what is not given. Within the complex life of the Sangha, various hierarchical levels of authority and seniority play a role in many situations. It is particularly important that individuals in positions of trust not misuse their authority as a way to obtain special privileges, or otherwise to seek to inappropriately control or influence others. Encompassed in this training is: (1) refraining from the taking of creative words and works of others without attribution or acknowledgment for administrative, marketing, or teaching purposes, and (2) refraining from the taking of information (i.e. those who work with our database, or teachers who take sign-up information for students) that is not explicitly permitted or offered.

3. *We undertake the precept of refraining from sexual misconduct.*

We agree to avoid creating harm through sexuality. We agree to honor our relationship to our committed relationships. We agree to respect the committed relationships of others. Volunteers and Staff should not: (1) act in a way that would reasonably be construed as sexual harassment, (2) use their position within the organization to benefit their partners, or (3) abuse the personal relationship using their agency or influence within the organization.

Because teachers have a great deal of authority in the community, the below is specifically outlined:

Teachers with vows of celibacy will live according to their vows. Teachers in committed relationships will honor their vows and refrain from breaking those vows. All teachers agree not to use their teaching role to exploit their authority and position in order to engage in a sexual relationship with a student.

Because teachers in our spiritual communities have developed partnerships—monogamous, open, or polyamorous—with former students, we acknowledge that such relationships can be possible, but that great care and sensitivity are needed. We agree that in this case the following guidelines, which are the current guidelines for all Western Vipassana/Theravada teachers, are crucial.

- a. A sexual relationship is never appropriate between teachers and students.
- b. During retreats or formal teaching, any intimation of future student-teacher romantic or sexual relationship is inappropriate.
- c. If interest in a genuine and committed relationship develops over time between a teacher and a student, the student-teacher relationship must clearly and consciously have ended before any further development toward a romantic relationship. Such a relationship must be approached with restraint and sensitivity – in no case should it occur immediately after a retreat or teaching event. A minimum time period of four months or preferably longer from the last formal teaching between them, and a clear understanding from both parties that the student-teacher relationship has ended must be coupled with a conscious commitment to enter into a relationship that brings no harm to either party.
- d. It is strongly suggested to have this process witnessed or acknowledged with someone who is considered to be senior in experience by the teacher.

Teachers agree that, during any teaching, the Teacher will not behave in a manner that might be reasonably construed as sexual harassment. Teachers further agree that, during the Event, Teachers will not behave in a manner that might be reasonably construed as initiating, inviting, or reciprocating sexual or romantic contact with an Event attendee.

4. *We undertake the precept of refraining from false speech.*

We agree to speak that which is true and useful and to refrain from gossip in our community. We agree to hold in confidence what is explicitly told to us in confidence. We agree to cultivate conscious and clear communication and to cultivate the quality of loving-kindness and honesty as the basis of our speech. This includes a commitment to awareness of how speech can be consciously and unconsciously evoke dynamics of power, unearned privilege and oppression. We dedicate ourselves to expanding our awareness of these dynamics and our receptivity to feedback and learning.

5. *We undertake the precept of refraining from intoxicants that cause heedlessness or loss of awareness.*

It is clear that substance abuse is the cause of tremendous suffering. We agree that there should be no use of intoxicants during meditation groups, retreats or any EBMC program or event. We agree not to abuse or misuse intoxicants at any time. We agree that if any teacher has an active drug or alcohol addiction problem, it should be immediately addressed by the Programs and Finance Director of EBMC who will refer to the Restoration and Resolution Council and LSangha, if necessary.

As stated above, EBMC's teachers and volunteers agree to adhere to ethical guidelines as specified in EBMC's ethical documents. If there is an alleged breach of these ethical agreements, EBMC provides the following procedures for resolution.

CAUTIONARY STATEMENT AROUND DUAL RELATIONSHIPS

For the purposes of this document, a dual relationship exists when a person in leadership engages with a community member in one or more kinds of relationship. These include, but are not limited to, relationships of employer/employee (outside the Center), therapist/client, counselor/counselee, and intimate sexual relationships. Although some dual relationships may be appropriate, dual relationships which involve a disparity of power and authority can carry potentially serious impacts for the practitioner. Such impacts may include the violation of personal boundaries, increased emotional and psychological vulnerability, exploitation in various forms, loss of autonomy, and confusion of roles. In addition, certain dual relationships can undermine the teacher/student relationship and the value of the student's dharma practice. Accordingly, such dual relationships are, to the extent practical, either to be avoided or, at the least, undertaken with serious mindfulness and consideration as to the best interests of the practitioner. While each of the parties may have some responsibility for the dual relationship, it is the person in the leadership or teacher role, as the more powerful party, who bears the primary responsibility for the protection of the practitioner through keeping the relationship within appropriate bounds.

Appropriate Dual Relationships

We acknowledge that certain dual relationships may be appropriate as well as unavoidable. For example, teachers can both be supervisors of work at a meditation center, or be supervised by others in a type of employer/employee relationship. Additionally, social relationships on the part of the leadership or teaching roles with practitioners are generally natural and healthy, as are friendships between the leaders/teachers among themselves. Such dual relationships are not prohibited or discouraged. Close personal friendships between the teachers and their students may, however, interfere with the teacher/student relationship and should be undertaken as a mindfulness practice with caution and with serious consideration as to the best interests of the student.

We also acknowledge that it is impossible to, and not our intention to, pre-determine, "legislate,"

or provide hard-and-fast rules for interpersonal relationships. We are indicating that this area of interpersonal friendships is a complex area of practice for anyone in leadership position.

It is also a complex practice for communities to develop and hold, as individual leadership can also emerge from the community itself. There may be close, existing friendships that have developed over time, even before the development of an individual's leadership potential. Thus, it might be that, while people are in positions of leadership, these friendships and relationships shift in certain boundaries and qualities during the period that individual is in leadership. As stated previously, there are no exacting guidelines for this. It is the responsibility of the person with leadership, power, and authority to self-monitor their impact of their leadership on their friendships and their friendships upon their leadership. One safeguard is transparency. It is often supportive and helpful to discuss this openly with one's relationships and friends in order to get input and feedback. Processing the complexity with peers is also helpful, as is discussing with mentors or more experienced leadership, if that is available.

Spiritual Counseling

From time to time the leader or teacher may appropriately be called upon to provide spiritual counseling to a community member or practitioner. While spiritual counseling may often involve consideration of emotional, psychological, and social issues, it differs from psychotherapy in a number of respects: it is usually more short term in nature, it does not purport to deal with emotional or psychological issues in as much depth as does psychotherapy, it often deals with the problems of an immediate crisis, and the counselor is not necessarily professionally qualified to offer psychotherapy. When longer term counseling or psychotherapy is needed or the student appears to be in immediate physical or psychological danger because of the acuity of a crisis, the person providing counseling should quickly recommend that the student seek psychotherapy or other appropriate help and, if possible, aid the student in obtaining a referral for such services. It is the intent to dedicate a portion of the Teacher Sangha meeting at a minimum annually to discuss issues including but not exclusive to, mandatory reporting of child and elder abuse, suicidal ideation, harm-to-others, acute mental health issues, and risk of domestic violence.

RESTORATION AND RESOLUTION PROCEDURES

Basic Guidelines for Resolving Conflicts and Disagreements

There are two paths outlined below to resolve conflicts: independent conflict resolution and council conflict resolution.

1. Independent conflict resolution is encouraged whenever possible and appropriate. The guidelines below offer a framework and tools for independent conflict resolution. Please note that EBMC cannot offer organizational support for independent conflict resolution but may be able to suggest sangha members or community resources if support is needed.
2. We recognize that there are instances in which independent conflict resolution may not be desired or appropriate. In these instances, EBMC offers an alternative path, council conflict resolution.

Introduction

We wish our life within our diverse communities to be expressed through our spiritual practice and wisdom teachings. As our practice is our heartfelt response to suffering, turning away from suffering through silence, rationalization, assigning blame, minimizing, feeling self-deprecating guilt, or not attending seriously to its causes and conditions are all steps directed away from the path itself. Avoidance often acts as a condition for additional suffering and further oppression.

Accordingly, when a conflict, breach, or violation of the precepts or ethics arises in an interpersonal or institutional relationship, it is essential to attend to it as fully as possible. While the outcomes might not be ideal or perfect from any perspective, it is our highest intention to do the best we can given the situation, the available resources, and the level of clarity that is possible.

On an *individual* level, this involves waking up to our own contribution to the suffering in these situations through understanding our reactions, emotions, and attachments.

Interpersonally, this involves taking the time to discuss the conflict with the other parties involved in an attempt to clarify the actual causes, conditions, feelings, and responses that come together in the situation. *Organizationally*, this involves being aware of the group dynamics, the cultural context and conditions, and the possibility of structural harm to individuals or groups that is possible.

What follows are guidelines for resolving conflicts and transgressions within our communities. We intend them to support all of us in promoting learning, forgiveness and restoration with oneself and with others. Whenever possible, disputes should be resolved independently and directly between the people involved. We recognize that for certain conflicts independent resolution may not be possible. Accordingly, we also offer a formal Restoration and Resolution procedure for such situations.

Principles of Restoration and Resolution for both Independent and Council R&R Methods

Although no fixed procedures are mandated for independent conflict resolution, the framework that follow are intended to give all persons involved in a dispute a chance to be fully heard in an environment of respect, compassion, and kindness – one that is based in the understanding that the Sangha is an interdependent whole, and that everyone wishes to live in safety and in peace.

1. **Stating the Actual.** A crucial aspect of conflict resolution, as of Buddhist practice itself, is discriminating between our interpretations and opinions of an event and how the event was or is personally experienced. In part, this means not making general statements but rather sticking to the particulars of the actual situation and the emotions experienced. It is extremely difficult to achieve mutual understanding when discussion remains at the level of interpretation and generalization. A classic Organizational Development formula for giving feedback is (a) describe the situation as you see it; (b) describe specific behaviors; (c) describe the impact of those behaviors; and (d) make a request.
2. **Being Heard.** It is important that everyone involved be given an opportunity to be fully heard. This means that all participants be given a chance to recount how they remember the history of a conflict, to state their feelings regarding the conflict, and to explain the goals they have for its resolution. Such statements should be neither defensive nor critical, since both stances tend to preclude deeper mutual understanding. Much conflict arises and is perpetuated through a lack of mutual understanding. Taking calm, deliberate, and adequate time to listen to each other is often what is needed for the process of restoration to begin.
3. **Restating what was Heard.** To ensure that everyone understands one another, it is useful for each party to briefly restate what the other has said, highlighting the main points. The other party then says whether they believe the restatement is complete and accurate, and makes any appropriate corrections.
4. **Acknowledgment.** Resolution and restoration are greatly facilitated if each party involved

reflects on how they may have contributed to the conflict and then describes this to the other party. Even when one person is primarily responsible, self-reflection, acknowledgment, and apology on everyone's part can provide a safer, more trusting, and more understanding environment for everyone to be truthful. To support a respectful and safe process, the party that the concern is being raised about is asked to hold the commitment to awareness of how speech can consciously and unconsciously evoke dynamics of power, unearned privilege and oppression and to mindfully refrain from actions that can be perceived as retaliation against the party initiating the concern.

5. Facilitation. It is often useful to invite one or more neutral witnesses or mediators to take part in a session of conflict resolution. Such a person may simply be a silent witness providing a sense of calm and presence or may be an active mediator who helps ensure that each person is given uninterrupted opportunities to speak. This person may also point out the difference between statements of opinion and interpretation and direct statements of how an event or feeling was or is actually experienced. Invited facilitators can be anyone whom both parties respect; e.g., friends, neutral acquaintances, dharma teachers or spiritual leaders, or people from within or outside the Center who are trained in mediation. EBMC can offer sangha or community referrals.
6. Seeking Advice. In addition to or instead of inviting a facilitator to participate, it can be useful to seek advice from others for working independently to resolve a conflict. Such advice can come from friends, teachers, elders, or the EBMC Restoration and Resolution Council.
7. Support. It may be useful for some processes for the participants to have one ally who supports them through any meetings or discussions. If one party has an ally, then all parties should have one ally to balance the process. In addition, allies should be as peer-oriented as possible. For example, teachers should not have students as allies, and vice versa.

Method One—Independent Conflict Resolution

When individuals have ethical concerns or conflicts they are strongly encouraged to first address their concerns directly to the person in question, provided they feel reasonably comfortable and safe doing so. We acknowledge that there may be power differentials in the relationships that make this difficult. Part of the collective practice as a community is to level the power playing field so that power differentials do not influence positively or negatively the intentions of resolving the difficulty or harm and restoring the relationships involved. EBMC encourages the individuals directly involved in a conflict or disagreement to resolve it independently. The independent discussion attempts to bring clarity and an open engagement to the difficulty. Resolution and Restoration may be forged from the open-hearted listening of all parties.

Suggestions for the independent approach include the following:

1. Meeting each other one-on-one
2. Meeting with one mediator who is agreed upon by both parties
3. Meeting with two mediators, one for each party
4. If appropriate, seek restorative justice or comparable circles
5. Skills such as restorative justice, non-violent communication, and insight dialogue can be helpful.

Restoration and Resolution Council members will not serve as mediators in this stage of independent process.

Parties involved in conflict are encouraged to remember the following teachings about mindful speech as stated in the Ethical Conduct of Teachers in the EBMC Teacher Agreement and the

EBMC Volunteer Ethics Agreement

We agree to speak that which is true and useful and to refrain from gossip in our community. We agree to hold in confidence what is explicitly told to us in confidence. We agree to cultivate conscious and clear communication and to cultivate the quality of loving-kindness and honesty as the basis of our speech. This includes a commitment to awareness of how speech can consciously and unconsciously evoke dynamics of power, unearned privilege and oppression. We dedicate ourselves to expanding our awareness of these dynamics and our receptivity to feedback and learning.

In that light, we also offer Thich Nhat Hanh's wording of the fourth precept, regarding speech and listening:

Aware of the suffering caused by unmindful speech and the inability to listen to others, I vow to cultivate loving speech and deep listening in order to bring joy and happiness to others and relieve others of their suffering. Knowing that words can create happiness or suffering, I vow to learn to speak truthfully, with words that inspire self-confidence, joy, and hope. I am determined not to spread news that I do not know to be certain and not to criticize or condemn things of which I am not sure. I will refrain from uttering words that can cause division or discord, or that can cause the community to break. (Note: this last sentence is not intended to be a prohibition against or pressure not to speak uncomfortable truths.)

Questions to Support the Independent Restoration and Resolution Process

Please be aware that not all of these questions are universally applicable to every situation or set of circumstances. Please be invited to use them as skillful means and to take what is needed, and leave the rest behind.

1. What did the different parties contribute to making this conflict happen?
2. With hindsight, how could all parties have handled it better?
3. How would one evaluate all the responses so far? What has been done that has been effective? What hasn't been effective?
4. What is the impact of this process on me? What is the impact upon others?
5. What is the learning that is arising?
6. How would it be possible for both of our versions of what happened to be feasible?
7. What skills or characteristics could this conflict improve or support?
8. After hearing other perspectives, has anything changed in your experience with your own story?
9. Have the communications been effective in creating understanding in all the parties concerned? What could be done to improve them?
10. What is the most optimal outcome that can be visioned to emerge from this conflict? What can be done to make it happen?

In the event of ethical transgressions or other violations of precepts that cannot be resolved using the independent approach (often this cannot be fully known until the independent approach is attempted), EBMC offers a formal Ethics, Restoration and Resolution procedure.

Method Two—Council Approach: 4-Step Process

1. **Formal Written Notification:** The facts and expressions requested for the initiation of a formal written process are essential for an open flow of communication resulting from perceived misconduct within the Center. The ER&R Council will be responsible for all documentation and record keeping of the formal ER&R Process. Records will be kept at EBMC in a locked file, with access permissible only by the current ER&R Council.
 - a. When independent resolution(s) has failed or is not practicable, individuals are encouraged to complete a written report on any such conflicts to the Programs and Finance Director of EBMC. In order to support effective and timely conflict resolution, it is most helpful to submit notifications as soon as possible after the occurrence. In the event of a sensitive and/or disturbing incident, sangha members are encouraged to seek confidential consultation with the Programs and Finance Director for support with initiating a notification. There is an overall intention of submitting the initial report within 60 days of the occurrence. The 60 days is allowed to permit the development of independent restoration and resolution efforts to be made. In the event of a sensitive and/or disturbing incident, sangha members are encouraged to seek confidential consultation with the Programs and Finance Director for support with initiating a notification within this timeframe. The Programs and Finance Director will forward the report to the Chair of the EBMC Restoration and Resolution Council within 3 days of receipt of the written report.
 - b. The formal written form needs to address these issues:
 - A written statement sent to ethicscouncil@eastbaymeditation.org that the intention is to file or request a formal Restoration and Resolution process,
 - The name(s) of the person(s) whose actions/behavior/decisions the issue or event concerns,
 - Sufficient description of the alleged behavior to allow a decision by the Council as to whether the issue is appropriate for beginning a formal Restoration and Resolution procedure,
 - Was there any attempt(s) to independently resolve the matter? If so what was the outcome from concerned party's perspective?
 - A general statement about the optimal resolution,
 - Provision of contact information and the other party's if you have it. The other party will be asked to submit a similar form for their perspective.
 - c. In order to support timely and thorough investigations into notifications, names attached to notifications are strongly encouraged. However, anonymous or confidential submissions will be accepted, with the understanding that the organizational response may not be feasible.
 - d. Once a written form is submitted by the Council, all information related to the issue will remain confidential within the Council except for any disclosure mandated by law.
 - e. When written forms and documentation are received, the EBMC Programs and Finance Director has 7 days to forward to other Council members (barring any personal exigencies).

2. **Acceptance of a Request for R&R process:** Upon Council receiving the completed Restoration and Resolution written information, EBMC's Restoration and Resolution Council will convene, with a quorum of at least 4 out of 5 members, to review all the information set forth in the written form.
 - a. The Council will respond in writing to the Restoration and Resolution process within 21 days of receiving the Restoration and Resolution form as to whether a formal Restoration and Resolution process is warranted or whether independent or additional independent channels should be attempted.
 - b. Members of the Council will self-determine if they have conflicts of interest or are unable to be impartial and will recuse themselves. Recused members will be replaced by the LSangha as soon as possible, so as not to impede the process. If this takes additional time, all parties will be notified immediately.
 - c. When at least four members of the Council agree that independent channels are exhausted or inappropriate, then a formal R&R process is initiated.
 - d. If needed, the Council can request additional information from the person initiating the process and whether the person has any immediate temporary requests or needs, such as sharing space with the person(s) named in the document during Sangha or another EBMC event.
 - e. Once the Council has accepted a formal request, the Chair must convey in writing its acceptance, within 4 days, to both the person filing the written request and the person(s) named in the written document. As part of the notification, the Council will state its understanding of the issue under inquiry.
 - f. One Council member will be assigned as a liaison to each of the sides involved in the formal R&R process, for the purpose of facilitating communications.

3. **Investigation of a R&R request:** If the Council deems it necessary, it will initiate appropriate follow-up action so that all parties will be allowed an opportunity to present their individual understanding of the incidents or occurrence from their perspective. If additional investigative support is needed, the Council has the authority and choice to convene additional, appropriately objective sangha members to form a specific Restoration and Resolution Response Team to aid/support this work and find a resolution to the case. If necessary, there may be further inquiry and investigation. Other external parties may make statements for additional support and clarity.
 - a. The Council and the Restoration and Resolution Response Team will review and listen to all submitted information with a spirit of openness to obtain a thorough understanding of facts and information required for determining and rendering a decision.
 - b. The Council and Restoration and Resolution Response Team members will recuse themselves from involvement in the ER&R process, if they perceive a conflict of interest.
 - c. The Council will endeavor to accomplish this investigation within sixty (60) days of the acceptance of the ER&R request, but cannot guarantee that this timeline will always be appropriate—the timeline may be shorter or longer depending upon the conditions of the issue, the number and conduct of the parties throughout the process. If the timeline is longer, all parties will be notified of a new timeline, as soon as this becomes apparent.

4. **Determinations/Findings:** The Council will convene after a thorough review of all facts

and information presented during the investigation.

- a. The Council will aim to provide a written conclusion and resolution within thirty (30) days of the completion of the investigation delivered in a confidential manner. The conclusion will be provided to the individual who initiated the Ethics, Restoration and Resolution process and to any other relevant parties. The Council will strongly request but cannot guarantee, confidentiality to be held by all the parties. A copy of the resolution will be kept in a locked file at EBMC.
- b. It remains the responsibility and duty of the ER&R Council to issue whatever forms of action are required to bring the matter to an appropriate resolution.
- c. The Council recognizes its own limitations of resources and energies and the need to conclude involvement while acknowledging that the resolution of complex cases may feel unsatisfactory to individuals involved.

APPEAL PROCESS

Appeal of Ethics, Restoration and Resolution Council decisions may be made to the LSangha within 14 days of receipt of the Ethic, Restoration and Resolution Council's written decision. Appeals will only be granted if there is evidence of bias and/or procedural irregularities, or if new information not previously available comes to light. Appeals should be addressed to the Chair of the Restoration and Resolution Council, the Chair of the LSangha, and the Programs and Finance Chair. If the grievance is with one of these three individuals, the appeal will be addressed to the other two individuals.

A new Appeals Council will be formed and decided upon by the Chair of the Restoration and Resolution Council, the Chair of the LSangha, and the Executive Director. If the grievance is with one of these three individuals, that individual will recuse themselves from this process. Members of the original R&R group will not participate in the new Appeals process. The Appeals Council will review the findings and the new appeal arguments to decide whether or not the original decisions should be upheld or not. Every attempt will be made to resolve appeals within sixty (60) days of the receipt of written notification. The decision of this Appeals Council will be final.

PARTIAL LIST OF POSSIBLE RESOLUTIONS (not intended to be fully comprehensive)

1. Mediated resolution of the matter assuming that all parties involved are willing.
2. A conclusion of no ethical breach while acknowledging the existence of a problem or conflict that needs resolution elsewhere, for example inter-personal conflicts/personality differences.
3. Private and mediated apology and/or statement of accountability and responsibility.
4. Follow up meetings to restore interpersonal relationships. EBMC bears no financial responsibility to provide or pay for any of these meetings but will offer referrals as appropriate.
5. Recommendations for counseling or participation in support or recovery processes as specified by the Council. EBMC bears no financial responsibility to provide or pay for any of these recommendations but will offer referrals as appropriate.
6. Recommended training, education, or mentoring in certain skills or issues. EBMC bears no financial responsibility to provide or pay for any of these recommendations but will offer referrals as appropriate.
7. Private reprimand by appropriate organizational groups or individuals.
8. Apology to the community impacted.
9. Probationary period for those in leadership, if harm has been caused.
10. Suspension or dismissal (time length to be specified) from certain positions of responsibility.
11. Limiting the Council decision simply to whether or not an ethical breach has occurred and then forwarding this decision to the appropriate administrative or leadership roles for further

action (if any is needed).

Optimal Time line
of formal Restoration and Resolution Process

(Timeline is not guaranteed. If any member of the Council's tenure is up, they may be requested to stay on the Council until the process is complete.)

EBMC Timeline for ER&R Process

Occurrence of the Event

Within 60 days: File written report with EBMC Director of Programs & Finance

Within 7 days: Director of Programs & Finance forwards report to R&R Council Members

Within 21 days: Council decides whether a formal process is justified

Within 4 days: R&R Council will select two members as liaisons to convey acceptance or decline to individuals involved

Within 60 days of acceptance: Investigation period

Within 30 days of investigation completion: Council produces a written decision, including any implementation plans, timeframes, associated costs and responsibility of payment, if required.

Within 14 days of receipt of decision: Appeals can be initiated, if criteria is met

Within 60 days: final decision on final appeals

Closing Intention

In closing, there is acknowledgment that there is not exacting clarity on every detail of these processes, policies, and procedures. Exactitude might be a strong preference, but also can create inflexibility as to how a very unique and human process unfolds and operates. The intention of any process, policy, or procedure is to set a framework that is beneficial enough to exploring difficult, complex and messy experiences that often have multiple truths. Practically, it cannot be ideal. Singular ideals can often diminish the very diversity and difference of life experiences that we are intending to support at EBMC.

There are many areas of grey which cannot be defined in advance of anyone's experience. Even the phrase "causing harm" can have an ambiguous meaning in regards to this document. This document is intended to articulate the complexity of the landscape, so that each unique process can deal with the complexity as it uniquely applies that that situation. Each case will be a learning experience, rather than a cause of "right" and "wrong."

Note from Leadership Sangha: The LSangha is grateful for the creation and evolution of these guiding documents which acknowledge and honor the unique and multi-faceted history of the organization. We view these as living documents; with EBMC's ten year anniversary approaching, we make a commitment to an ongoing review process of these guiding documents that fosters increased organizational cohesion to best support EBMC's mission.

The ER&R Process, Policy and Procedures were developed from the following:

EBMC Grievance Policy

(Version 1, adopted April 26, 2010)

(Version 2, adoption September 5, 2013)

Restoration and Resolution Process, Policies and Procedures

(Version 3, drafted February 25, 2016, with compiled input from documents of Spirit Rock, San Francisco Zen Center, Berkeley Zen Center, and Rochester Zen Center)

This document outlining the EBMC ER&R Process, Policy and Procedures was approved and adopted by LSangha, June 28, 2017