

FLOWING RIVER SANGHA

ARTICLE 10 OF BYLAWS

I. Code of Ethical Conduct and

II. Grievance and Reconciliation Process

Adopted by the Board of Directors on _____

I. CODE OF ETHICAL CONDUCT

Introduction

Flowing River Sangha is a community of Zen practitioners who mutually support each other's practice on the path to awakening. To support the practice of awakening, the Sangha strives to create and maintain a supportive, harmonious and safe environment where everyone can practice freely and realize their Buddha nature and true nature. Maintaining the well-being of the Sangha is the mutual responsibility of all members.

Towards that end, each Sangha teacher, sangha leader and member are asked to agree to abide

by this Code of Ethical Conduct. Teachers of Zen have a particular responsibility to protect the

Three Treasures by their ethical conduct.

Inclusivity and Non-Discrimination

At Flowing River Sangha we aspire to create an inclusive environment for everyone. We recognize

systemic forces of domination, oppression, privilege, and exclusion have resulted in unequal

access to the resources that support Sangha practice. We are committed to restoring wholeness to

the Sangha by empowering those whose embodiment of the dharma has historically been

suppressed, marginalized, or devalued. We celebrate diverse spiritual expressions and acknowledge the inseparability of individual and collective liberation. We affirm and respect our

differences and encourage open communication so that ethical concerns or conflicts that arise are

fully heard and addressed appropriately.

At Flowing River Sangha, we prohibit discrimination or harassment based on race, religion, color,

ethnicity, gender identity, sexual orientation, marital status, age, national origin or ancestry, physical or mental ability, faith tradition, and economic class, as well as any other basis protected

by federal or state law, or local ordinances applicable to nonprofit or religious corporations.

Foundation for Ethical Conduct: Precepts

The foundation for ethical conduct at Flowing River Sangha is comprised of the Sixteen Bodhisattva

Precepts:

The Three Treasures

- Taking refuge in the Buddha and Awakened Oneness.

I vow to embody Oneness, the Awakened nature of all beings.

- Taking refuge in the Dharma and all Phenomena and Teachings.

I vow to embody Diversity of All, the Ocean of wisdom and compassion.

- Taking refuge in the Sangha and all our Spiritual Companions.

I vow to embody Harmony, the Interdependence of all creations.

The Three Pure Precepts, which flow from the Three Treasures and are the basis of all Bodhisattva conduct:

- Do No Harm

This is the foundation of the Three Treasures teaching. We refrain from harming ourselves,

other people, animals, air, plants, creatures, water and the minerals of the earth by embracing interdependence, oneness, diversity, impermanence, no-self, and integration. When we see ourselves as separate, we cultivate the ground for the three poisons — greed, hatred and delusion.

- Cultivate Good

To practice good means to uncover, recover, discover goodness in all things; and to act from

the kindness, compassion, sympathetic joy and equanimity of our Awakened nature. In our effort to live ethically, we embrace and rely upon the time-honored practices of repentance, atonement and reconciliation.

- Purifying the Mind in order to Save All Beings

Practicing with a mind and heart of nondiscriminatory views, non limited views, open heart is purifying the mind and leads to acts of non harming and saving all beings. Actualizing this good for others is the life of the Bodhisattva. By taking refuge in Buddha, Dharma, and Sangha and following the Buddha Way, we offer people the opportunity to discover their true nature. Zen Master Dogen taught that service for the welfare of all beings must be engaged in a spirit of oneness and selflessness. Saving all beings and compassion springs effortlessly from practice of a bodhisattva.

The Ten Grave Precepts

- Non-killing, not leading a harmful life nor encouraging others to do so. I will recognize that I am not separate from all that is. I will live in harmony with all life and the environment which sustains it.
- Non-stealing. I will be satisfied with what I have. I will freely give, ask for, and accept what is needed.
- Not misusing sexuality. I will encounter all creations with respect and dignity. I will give

and accept love and friendship, physical and emotional, without clinging in all relationships.

I will respect my body and feelings and the bodies and feelings of others.

- Non-lying. I will speak the truth and deceive no one, including myself. I will speak from the heart. I will see and act in accordance with what is.
- Not clouding the mind with intoxicating activities, nor encouraging others to do so. I will cultivate a mind that sees clearly. I will embrace all experience directly.
- Not talking about others errors and faults. I will meet others on equal ground and let

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myself and others be “okay” as they are, and they and I do not have to be seen as “better” or “worse.”

- Not elevating myself and blaming others. I will speak what I perceive to be the truth without guilt or blame. I will give my best effort and accept the results.
- Not being stingy and not sparing the Dharma assets. I will use all of the ingredients of my life. I will not foster a mind of poverty in myself or others.
- Not indulging anger, or harboring resentment, rage, or revenge. I will transform suffering into wisdom. I will observe all anger as both a poison and teacher and vow to pausing before reacting, and to vow non harming.
- Not speaking ill of the Three Treasures. I will not speak about the three treasures nor debate them but instead vow to hold them and serve them.

Responsibilities of Teachers and Leaders of the Sangha

We at Flowing River Sangha recognize that the study and practice of the precepts is a life-long effort and is the responsibility of each person who endeavors to live the Buddha Way.

The Sangha is affiliated with the White Plum Asanga (“WPA”) in the lineage of Taizan Maezumi Roshi. Teachers who have been recognized in the White Plum lineage respect the responsibilities of leadership and acknowledge their role necessarily gives rise to a power differential in relationships with students and other sangha members. For that reason alone,

their words and actions can carry great weight. With awareness of this fact, all Sangha teachers agree to strive to adhere to this Flowing River Sangha Code of Ethical Conduct. The

following principles of ethical conduct for teachers and student relations are adapted from the WPA Code of Ethical Conduct and apply to all teachers, sangha leaders, as well as members of the Sangha as described:

1. Confidentiality. The relationship between student and teacher often involves sharing of highly

sensitive personal information. Respect for the student and for the relationship requires that

teachers maintain such information in confidence. There may be occasions when, for the well-being of specific individuals and of the Sangha teachers, teachers need to consult with other

teachers or professionals concerning such confidences. On such occasions, teachers should strive

to assure that such consultations are maintained in confidence. Despite the foregoing, if a teacher has reason to believe that a student has an intention to harm themselves or others, it is the

responsibility and obligation of the teacher to inform the proper authorities as provided under

applicable law. Each teacher also has an obligation to be aware of the applicable law with respect

to reporting crimes disclosed during confidential communications.

Additionally, any discussion leaders of sangha activities such as: Way of Council sessions, dharma talks, and open discussions within the Sangha or dharma groups are also venues where

sensitive personal information may be shared. Sangha members and participants are expected

to respect the confidentiality of such personal information and to refrain from idle talk about

matters brought up in such settings.

2. Power. Teachers and leaders of the sangha have an obligation to educate themselves about the

subtle power issues that inhere in the teacher/student relationship, as well as the potential effects

of that power and its exercise on both teachers and others. Teachers should seek counsel from

other teachers and professionals, as appropriate, about the use of power and the harmful effects

caused by its abuse. Teachers should also encourage the Sangha to offer training about such

issues and their dynamics.

3. Right Speech. Mutual respect is foundational for an environment supportive of sound speech

practices guided by the precepts. Such respect is manifested when sangha members treat others

with dignity and engage others truthfully and compassionately with a positive intention. Sangha

harmony is promoted when the teacher or leader models, and all members observe, the clear

mind precepts regarding right speech: refraining from lies, self-serving talk, slander, angry or

abusive speech, and apportioning blame.

4. Boundaries. Teachers should not violate trust or use power and/or position for personal gain

or self-satisfaction. The ultimate responsibility for maintaining appropriate and clear boundaries

between teacher and student always rests with the teacher. When a teacher is asked to act in a

capacity that calls for competencies beyond the teacher's expertise, he/she/they will refer students to those with requisite expertise (e.g., mental health professionals, medical professionals, legal professionals). The Sangha should provide all teachers or leaders the ability

to take the White Plum Healthy Boundaries course

5. Dual Relationships. Although not all dual relationships are harmful to students or the sangha, they have a significant potential to complicate student/teacher relationships and to

undermine Sangha harmony. Consent by all parties to a dual relationship does not excuse it or

remove the potential for harm. While all Sangha members are expected to avoid dual relationships, teachers should be especially alert to maintain appropriate boundaries and carefully consider the implications and dangers of dual relationships with their students.

Examples of dual relationships include romantic or sexual relationships, financial relationships,

intimate friendships, therapeutic relationships, and professional relationships. Some dual relationships are unavoidable and may be tolerated when managed well through transparency and

discussion with Sangha members.

6. Sexual Conduct. Our practice at Flowing River Sangha 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 between Sangha members in ways that can harm them and the

Sangha if not dealt with skillfully. Because sexual relations between a student and teacher have

serious potential for the subtle and overt abuse of power, for disruption of the sangha, and for

consequent harm to all individuals and institutions involved, they should be avoided unless the

teacher and a student are in a committed and publicly transparent relationship with each other. If

a teacher and a student enter a romantic or sexual relationship, they should openly declare their

relationship to the Sangha and the student should seek another teacher. The teacher, student, and

sangha should then strive for ongoing openness, particularly as respects the potential for this

relationship might cause disruption within the Sangha. The teacher has the ultimate obligation to

assure that these guidelines are observed.

7. Respecting Personal Space. An aspect of meeting the diversity of life with respect and dignity includes the awareness that students come to the Sangha with different comfort levels

regarding personal space. They may even be carrying trauma from physical or sexual abuse in

their past or are neurodiverse or with other medical conditions which causes them to react in

different or unexpected ways to being touched during instruction.

Therefore, a dedicated practice of awareness must include recognition of and respect for the

limits and boundaries of fellow Sangha members, especially regarding matters of physical touch

and bodily awareness including . making adjustments to one's sitting posture.

Acknowledging

the impact of these differences must include the cultivation of an environment in which physical contact occurs only with consent and with students having been fully oriented to the

forms of physical contact which may be included in training, with all parties in agreement that

avoidance of harm is the greatest responsibility and necessarily falls on those in positions of

power.

8. Processes. To ensure openness within the Sangha, teachers and students should engage in

processes such as the JMZ Board of Directors which utilize horizontal power sharing and listening and which regularly and openly address ethical issues. When a conflict arises between

Sangha members it is best to address it directly with the other person. Sometimes, however, it

may be wise to discuss this with a teacher to assist in developing a more skillful approach. It

may also be useful to have a neutral third person involved in an attempt 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 in

order to gain support for one's position, since this can foster conflict rather than reconciliation.

9. Self-Awareness. Teachers and leaders should aspire to constant clarity of mind. They

therefore have an obligation to engage in self-monitoring and self-care. Occupying the role of

teacher can subtly undermine a healthy sense of humility. In turn, a lack of humility can impair

one's ability to recognize and live into the fullness of the responsibilities of being a teacher. For

that reason, teachers and leaders should engage in activities that balance the teaching role with

grounding in regular practice and study of the Dharma, leisure, engagement in family responsibilities, and the establishment of a relationship with another teacher with whom they

can discuss and reflect on their work as teachers.

10. Collegial Respect. When a student requests to study with a teacher, the teacher should

inquire whether the student has been studying with another teacher and, if this is the case, encourage closure with the other teacher wherever possible. Teachers will not actively recruit

students from other teachers.

11. Accountability and Governance. Maintaining the wellbeing of the Sangha is the mutual

responsibility of all members and requires active participation in governance by members and

members should be invited to Board meetings. Teachers will support the Sangha's chosen governance structure and will act to further the goals of accountability and transparency in all

areas, including finances, decision making, and consideration of grievances, including allegations of ethical misconduct.

12. Transparency and Conflicts of Interest. Transparency is crucial to maintain balance and

harmony within the Sangha. Teachers will be alert to potential conflicts of interest with students

and other members of the Sangha and will act so as to avoid them, and any material conflicts of

interest will be disclosed to Sangha leadership immediately.

13. Organizational Transparency

- The Sangha strives to be a community run by democratic principles and characterized by open communication and transparency.
- Authority for various aspects of Sangha operation is variously divided among the board of directors, senior students, teachers, working groups, and individuals. The methods by which these bodies are filled or roles are assigned (e.g., by election or appointment) should be easily discoverable.
- Every effort will be made to identify leadership groups and leaders within the Sangha (e.g., by listing on the website) and to provide means of contacting leaders (e.g., listing email addresses).
- Leaders and leadership groups (e.g., committees of the Board) will make the decisions for which they are empowered using democratic voting procedures.
- Sangha members will receive ample notice of nomination periods and elections for leadership positions.
- Flowing River Sangha's Bylaws, key policies, and official minutes of Board meetings will be made publicly available upon request.
- Teachers and the Board will make sure that information about this Code of Ethical Conduct, the Sangha's Grievance and Reconciliation Process, and the ethical code and conflict resolution processes of the White Plum Asanga are made known and made readily available

on the website.

II. GRIEVANCE AND RECONCILIATION PROCESS

1. Definitions

a. Sensei/Roshi (hereafter, teacher): An individual that has received transmission to teach the dharma.

b. Dharma holder: An individual that is preparing for dharma transmission.

c. Sangha member: Any individual who regularly engages in formally organized activities hosted by the Sangha or who provides volunteer or financial support.

d. Participant: Any person other than a Sangha member who may attend an event held by the Sangha, such as Zazen, zazenkai, sesshin, etc. Includes family members and visitors to the Sangha

e. Complainant: An individual that communicates a grievance, informally and/or formally, against a teacher, dharma holder, or sangha member.

f. Respondent: An individual about whom a grievance has been made, informally or formally.

g. Collateral Person or Stakeholder: An individual that is neither a complainant nor a respondent who is identified by the Wisdom Circle as having important knowledge related to an alleged grievance.

h. Wisdom Circle: A group of 3-4 persons selected by the Flowing River Sangha Board of Directors

who have completed “boundaries” training to work together to review the complaint and prepare a report for the Board. Whether 3 or 4 is left to the Board’s judgment. If needed, the White Plum Asanga (WPA) will help in selecting persons for the Wisdom Circle.

i. Grievance or Complaint. A written, signed, and dated complaint of alleged misconduct with details including dates and persons involved.

2. Overview of Process: Two steps

Expressing concerns or filing grievances shall generally be resolved in two steps. First the complaint should be attempted to be resolved informally in accord with the Flowing River Sangha

grievance and reconciliation process as a first step. If there is no resolution at step

one, then the case is referred to step two invoking a Wisdom Circle to investigate the

complaint. A Wisdom Circle consists of persons appointed by the Flowing River Sangha Board

to, or if assistance is needed, the White Plum Asanga can assist and/or provide members for

a Wisdom Circle. The first step requires that a complainant follow the grievance process of

Flowing River Sangha, stated below, completing in good faith all steps required, and that

Flowing River Sangha Board complete the process promptly and in good faith, addressing all of the

concerns raised by the complaint. The second step will occur only if a complainant is dissatisfied with the decision at the first step.

3. First Step: Informal Complaint Process

a) An informal complaint first may be made about the alleged ethical misconduct committed

by a Sangha teacher or guest teacher, dharma holder, Sangha leader or Sangha member and may be received by any Sangha member, and be in any verbal or written form, and be from any Sangha member.

b) Attempts at informal resolution should be made first by the Flowing River Sangha Board. The

Sangha recognizes that concerns over the possible ethical misconduct of a teacher, dharma holder, or other sangha member can create confusion and stress, leaving some practitioners wondering whom they might consult for guidance in clarifying issues or determining appropriate possible courses of action. In such cases, it is recommended that

a person approach a member of the Board or any other member of the Sangha for help in determining how best to resolve difficulties with a teacher or with someone else in the Sangha. Such discussions may result in an informal resolution to the complaint.

c) Complaints may be made by:

- Those subject to alleged ethical misconduct.
- Sangha members who may not be directly involved in alleged misconduct but claim to have witnessed it; or
- Sangha members who, whether they claim to be subjects of misconduct or not, feel scapegoated or demonized by the Sangha or by a group within the Sangha.

d) If the person receiving the complaint is not a member of the Flowing River Sangha Board, that individual shall direct the complainant to contact the Board as soon as possible regarding the grievance. Upon receipt of the complaint, the Flowing River Sangha Board shall, as soon as possible but within a maximum of 14 days, meet, review, and discuss the complaint. The Flowing River Sangha Board will then vote to determine if the complaint can be resolved informally and what an informal resolution may be. The Board will then, in writing, let the complainant know its decision.

e) If the person who files the complaint is dissatisfied with the decision, that person will notify the Flowing River Sangha Board they would like to move to step two of a formal complaint.

f) If a simple majority of the entire Board votes in the affirmative, it will request that the complaint be investigated as a grievance by the Wisdom Circle as step two. If a member of the Board is identified as a respondent in the complaint, then that individual shall recuse her/him/them self from the entire grievance process.

4. Second Step: Formal Complaint Process invoking a Wisdom Circle:

a) Appointment of Wisdom Circle.

- The Flowing River Sangha Board will appoint members to the Wisdom Circle. The

Wisdom Circle conducts fact-finding and investigates the complaint and shall produce a report for the Board to resolve the complaint. The Wisdom Circle will be composed of persons from among a pool of eligible persons or Sangha members who satisfy the requirements of paragraph 4b. A new Wisdom Circle will be appointed for each individual grievance. The White Plum Asanga Board can help appoint others to the Wisdom Circle upon request who have met eligibility requirements.

- The Board shall determine whether any collateral persons relevant to this complaint exist.
- Once the formal Sangha grievance process is invoked, it should be completed within three months, unless exigent circumstances require more time. Any delays beyond this presumptive period shall be discussed with and explained to all parties.

b) Eligibility for appointment to the Wisdom Circle

1. Received training in the Sangha's Code of Ethical Conduct and its Grievance and Reconciliation Process (the "Healthy boundaries course offered by WPA, or similar boundaries training specifically approved by the Board); it is the responsibility of the Sangha Board to ensure that all members, as defined above, are documented as having received this training at least once;
2. Never been found guilty of sangha ethical misconduct;
3. Been deemed by the Board to have no significant relationship with any other member of the Circle; and been deemed by the Board to have no significant relationship with parties involved in a complaint that is to be investigated by the Wisdom Circle. A "significant relationship" as mentioned above includes marriage, domestic partnerships, family relationships, student-teacher relationships, business relationships, or any other relationship that represents, or appears to represent, a conflict of interest that could compromise the objectivity of the Wisdom Circle.
4. Board members are ineligible to serve on the Wisdom Circle.

5. The Board shall appoint one member from outside of Flowing River Sangha, provided that the member meets all the other eligibility requirements.

6. One member of the Wisdom Circle shall be designated as the Wisdom Circle's steward, but other stewards may be determined by the Board as necessary.

c) Removal.

If the Board determines after appointment that a member of the Wisdom Circle is ineligible for service as described above, then that member shall cease service and an alternate member shall be appointed in accord with the eligibility requirements as an interim member.

d) Re-Appointment.

Members of the Wisdom Circle who have ceased service due to ineligibility, may at the Board's discretion, be re-appointed to the Wisdom Circle if the Board determines that the member has re-established all qualifications for eligibility as described above.

5. Investigation Process

In investigating the alleged misconduct, the Wisdom Circle shall observe the following process and guidelines:

- Ensure the Integrity of the Investigation.
- Confidentiality in all matters pertaining to an investigation by limiting external communications to the parties of the grievance 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, particularly in written documents;
- That any recommendations of therapy that might result from an investigation avoid medical or psychological diagnosis, even when members of the Wisdom Circle are

doctors or therapists;

- Transparency of its processes by keeping all parties to a grievance regularly informed about the progress of an investigation; and accountability by seeing an investigation through to its end.

6. Determine Roles and Duties for the Investigation.

Within 7 days of the Board's direction to investigate a complaint, the Wisdom Circle will determine a fair division of labor that maintains the efficiency and integrity of the investigation. The Wisdom Circle may also request the assistance of other Sangha members

who have particular expertise that might facilitate various parts of the investigation, while exercising the utmost discretion and sensitivity regarding the privacy of everyone involved in the investigation.

7. Deliver Notice of Intent to Investigate (NII).

a) The Wisdom Circle shall request the complainant, if not already done, to submit a written,

signed and dated Complaint. The initial NII shall be sent within seven days of receipt of the formal written complaint. The Wisdom Circle shall send, via electronic or physical media, a written Notice of Intent to Investigate (NII), to all complainants, respondents, stakeholders and collaterals. Subsequent NIIs may be sent to additional complainants, respondents, and/or

stakeholders identified by the Wisdom Circle during the course of the investigations; those NIIs shall be sent within seven days of the Board identifying those additional individuals.

b) NIIs shall include the following information:

- The identity(ies) of the complainant(s) and respondent(s) and a copy of the Formal Complaint, as well as specific, relevant details of the alleged misconduct not included in the Formal Complaint, such as names, dates, actions, or remarks, etc.).
- An explanation of how the alleged misconduct appears to violate the ethics policy of the Sangha.
- A statement saying costs associated with the investigation, including reasonable travel and accommodations, should they become necessary, will be handled on a

case-by-case basis among those involved. The Board of the Sangha will, at their discretion, determine if those costs will be covered in part, in full, or not at all by the sangha.

c) Although the initial NII shall be sent within seven days of receipt of a Formal Grievance by the Board, as stated above, subsequent NIIs may be sent to additional complainants, respondents, and/or collaterals identified by the Wisdom Circle during the course of the investigations; those NIIs shall be sent within seven days of the Wisdom Circle identifying those additional individuals.

8. Construct a Draft Narrative Timeline.

a) Using documents, e-mail, phone or live interviews, or any other sources of credible information, the Wisdom Circle shall construct a draft narrative timeline that is minimally interpretive and 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.

b) Copies of the draft narrative shall be distributed to all parties to the grievance as well as other significant stakeholders (such as Board members). All parties shall be invited to respond to the draft within no more than two weeks of receipt. A Final Narrative Timeline shall be created with input from any parties.

9. Develop a Report of Investigation.

a) Using material gathered for the narrative, the Wisdom Circle shall prepare a report that includes, at a minimum:

- The final narrative timeline;
- A summary of the ethical questions that arose in relation to possible violations of the local sangha's values statements, code of conduct statements, grievance procedures, governance statements, or similar documents;

- 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 of the teacher.
- To clarify, the Wisdom Circle's job is to report the facts and not offer a recommendation.

b) This report shall be delivered to the President of the Flowing River Sangha Board, or the Vice President if the President is unavailable.

10. Resolution Phase

a) Within no more than one week of receiving the Wisdom Circle's report, the Flowing River Sangha

Board shall determine whether the Sangha Code of Ethics has been violated.

b) If the Board determines that there has been a violation of the Sangha Code of Ethics, it may

in its exclusive judgment, take action including, but not limited to, such things as temporary

or permanent removal from a dharma holder or teacher role or position on the Board of Directors within the Sangha, restitution for the complainant, and/or public disclosure of the misconduct. Notice of the Board's decision and any action(s) taken shall be delivered to the

complainant, respondent, and other key stakeholders, including the White Plum Asanga.

c) If the Board determines that no violation of the Sangha Code of Ethics has occurred, it may take steps to exonerate the respondent. Notice of the Board's decision and any action(s)

taken shall be delivered to the complainant, respondent, and other key stakeholders.

d) In the event that a complaint is shown to have been substantive, the Sangha Board shall initiate a dialogue with the complainant regarding reconciliation through the processes of the

Bearing Witness Circle, which the complainant may or may not choose to accept.

11. Follow-Up Process

Within six months from the date of notification of the Sangha Board's adjudication of a complaint, the current Sangha Board President shall follow up with the complainant, respondent, and key stakeholders to ascertain the outcome of the grievance process and, when relevant, any reconciliation process. Results of these inquiries shall be presented to the

Sangha Board.