

As approved by majority vote by the Resident Monks & Initiates Committee (RMIC), May 2018.

## JIKOJI ETHICS STATEMENT & CONFLICT RESOLUTION PROCEDURES

Version: RMIC ES & CRP v1.0b03

Date: 2018-05-20

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### 1 THE SIXTEEN BODHISATTVA PRECEPTS

Jikoji's Ethics Policy is based on the statement of our Founder, Kobun Chino Otagawa regarding The Precepts:

The Precepts, the subject of each Precept is not a guideline, but a remark about hard climbing up or climbing down. You don't use the Precepts for accomplishing your own personality or a kind of dream of your highest image of what you could be. You don't use the Precepts in that way. A Precept is the reflected world of light. All of the Precepts are really one Precept, which is the Buddha's Mind itself, not just the Mind, but the presence of the Buddha. *Zazen* is the first formation of that accomplishment of Buddha existing, not only inside your *mudra*, your body's *mudra*.... Oh! When a Buddha appears, that place becomes a Buddha land. There is no question. When a flower blooms everybody begins saying, "Oh, I thought it was still winter, but it is spring." The cold long winter gives the power to the snow for the blossom to bloom.

Kobun's words convey the spirit of Jikoji that Ethics are a manifestation of one's mind, an emanation of one's being. In alignment with Kobun's insight, and adhering to the [Ethics Statement of the Soto Zen Buddhist Association \(SZBA\)](#), the Leadership of Jikoji have agreed that the "The Sixteen Bodhisattva Precepts" are the foundation of our approach to ethics.

### The Three Refuges

#### 1. Taking refuge in the Buddha.

The Buddha is an Illuminated One, an Awakened One or One Who has Come to Consciousness. We acknowledge the Buddha nature of all beings. Even though there are different levels of spiritual, operational, and administrative authority at Jikoji, we recognize that everyone is equally the expression of Buddha nature.

#### 2. Taking refuge in the Dharma.

The Dharma is the teachings of Buddhism. We realize that our approach to Buddhism is one of many approaches and we acknowledge and respect all other expressions of the Dharma.

### 3. Taking refuge in the Sangha.

As stated in Jikoji's Articles of Incorporation and By-Laws, according to Kobun Chino Otagawa's teaching we construe our Sangha to be All Sentient Beings. The Sangha is the community. We aspire to create an inclusive environment for everyone's enjoyment of the Dharma and their engagement with the Bodhisattva Way. To that end, we affirm and respect our differences and our similarities in age, race, ethnicity, nationality, sex, sexuality, gender identity, gender expression, financial resources, education, cognitive abilities, physical abilities, appearances, and experience with Buddhist or other religious practices; we likewise welcome Sangha members, guests, and residents irrespective of these intersecting human attributes.

An inclusive Sangha is one that encourages open, ongoing communication among all Sangha members, both residential and non-residential. To facilitate this, all Jikoji Sangha members are encouraged to speak with and question teachers and other leaders, and to analyze historical and communal contexts, in order to understand the reasons for, and the limits of, authority and decision making at Jikoji. Any ethical concerns or conflicts which arise are to be fully heard and addressed in an appropriate forum (see below, Section 3, Conflict Resolution Procedures). We encourage all to read and offer feedback on [Jikoji's Bylaws](#), [Board meeting minutes](#), and other operating documents, including this current document. Please email the [Jikoji Secretary](#) for needed assistance with these documents.

## The Three Pure Precepts

### 1. To do no harm.

This means to refrain from causing harm to oneself, to others, to animals, to plants, to the earth, to the waters, to the air, to our shared planet and universe.

### 2. To act beneficially.

This means to uncover and to act from within the loving kindness, compassion, sympathetic joy, generosity, and equanimity of our awakened nature. We embrace and rely upon self-reflection, the acknowledgement of wrongdoing and harm done, the making of amends, and reconciliation, all time-honored Mahayana practices.

### 3. To meet all Sentient Beings.

This is the essence of the Bodhisattva Path or the Bodhisattva Vow. We seek to encourage and facilitate all beings in discovering and expressing their awakened nature. To accomplish this as an organization of individuals means maintaining a balance between individual and institutional needs, ever sensitive to their alignment. When a conflict between these arises, open communication and clarification become practice, an instance of saving all beings, one meeting of minds at a time.

## The 10 Essential Precepts

2 What follow are the Ten Essential Precepts as expressed by Kobun, paired here with an echo by  
3 Jikoji teacher Doug Jacobson.

- 4 1. No killing life : to encourage beings to manifest potential.
- 5 2. No stealing : to not take what is not given, to give with a generous spirit.
- 6 3. No lying : to express no illusory words, to state the truth.
- 7 4. No sexual misconduct : no exploitive relationships or power imbalances, e.g.,  
8 between teacher and student
- 9 5. No selling delusion : assist illumination.
- 10 6. No dwelling on past mistakes : yet to reflect and regret are useful in atonement.
- 11 7. No praise or blame : to not promote self or blame another.
- 12 8. No hoarding materials or teachings : rather to share wealth and knowledge of  
13 existence.
- 14 9. No hatred : to be happy.
- 15 10. No abusing the Buddha, the Dharma, or the Sangha (All Sentient Beings).

16 All members of Jikoji's leadership including clergy, non-teaching black robe priests, and lay  
17 ordained practitioners ("Leadership") are expected to adhere to the Ethical Vows expressed  
18 above in the Sixteen Bodhisattva Precepts. The Leadership of Jikoji agrees with the Ethics  
19 Statement of the Soto Zen Buddhist Association that "A community that has been subjected to  
20 clergy misconduct or other breach of trust can be deeply injured," and Jikoji extends this to  
21 include all individuals in leadership positions.

22 A Jikoji leader or clergy member who does not abide by these vows, or whose breach of trust  
23 injures or disrupts the community, will be subject to a grievance or conflict resolution  
24 procedure that could lead to his or her suspension or removal from leadership duties and  
25 responsibilities.

## 26 **Expanded Precepts**

28 The Leadership of Jikoji, along with the SZBA, recognizes the practical need for expanded ethical  
29 guidelines that connect the Precepts to everyday Sangha life, to be adopted in due course as  
30 part of Jikoji's ethics policy.

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## 32 **2 HARRASSMENT FREE ENVIRONMENT**

34 In December 2013, the Jikoji Board adopted a [Jikoji Policies & Procedures Manual](#) (PPM) for  
35 Employees which included a Harassment Free Workplace Statement. Although this statement  
36 has a narrower focus than guidelines built around the Precepts, it expresses Jikoji's intention  
37 and commitment to provide a safe and welcoming environment for all. We therefore directly  
38 incorporate the Jikoji Harassment Free Workplace Statement, already in effect, as fully part of  
39 this Ethics Statement.

## HARRASSMENT FREE WORKPLACE STATEMENT

(from [Jikoji Policy & Procedures Manual](#) (PPM), Section IV.A.5; verbatim)

### **Purpose.**

Jikoji is committed to providing an environment for our members, directors, officers, employees, volunteers and persons served by Jikoji ("Covered Person(s)") that is comfortable, safe and free from harassment of any kind. Any type of harassment is a violation of this policy and may be illegal.

### **Definition.**

Harassment can take many forms. It may consist of, but is not limited to, the following: words, signs, jokes, pranks, intimidation, physical contact, or violence. Harassment, therefore, does not have to be sexual in nature. Sexual harassment may include unwelcome sexual advances; requests for sexual favors; or other verbal or physical contact of a sexual nature when such conduct creates an intimidating environment or prevents an individual from effectively performing the duties of his or her position, or when such conduct is made a condition of employment, advancement, or compensation, either implicitly or explicitly. Moreover, it is not the intent of the behavior by the offender that determines if harassment has occurred but whether the behavior is unwelcome to the receiver.

### **Responsibility.**

Each employee is responsible for helping keep our work environment free of harassment, including the work environment of other employees and any other Covered Person with whom you have contact. If you become aware of an incident of harassment of a Covered Person, whether by witnessing the incident or being told of it, you must report it to any one or more of the following persons: (i) the President or Vice President of Jikoji or (ii) the Resident Teacher.

When an officer or the Teacher becomes aware of possible harassment of a Covered Person, he/she is obligated by law to conduct an initial investigation of the matter by interviewing and writing down the statement of the person who has reported the incident. Based on this statement if the officer or Teacher is of the opinion that the harassment allegations are credible, the matter will be turned over to Jikoji's legal counsel who will further investigate the matter and take action, as he/she determines to be appropriate under the circumstances, regardless of whether the alleged victim wants such action taken.

### **Complaint Procedure.**

Any Covered Person, who believes that he or she has suffered harassment in violation of the Harassment Policy, should take the following action:

1. If you are able to do so without conflict or danger, clearly tell the harasser that the behavior is unwelcome. Do not assume that innuendoes and indirect comments are received and understood.
2. If the behavior continues or you are not comfortable directly addressing the harasser, advise any one or more of the following persons: (i) the President or Vice president of Jikoji, (ii) the Resident Teacher of your complaint. Please make every effort to clearly identify the behavior that gave rise to the complaint, the date(s) on which the behavior occurred and names of any witnesses who were present.

**Confidentiality.**

Jikoji, including all persons to whom a violation of this Harassment Policy has been reported and persons who have become aware of a complaint, must maintain confidentiality, to the extent possible given the need to independently investigate while at the same time protecting the victim. All complaints shall be considered confidential to the maximum extent possible by the person making the complaint and those receiving the complaint to protect the rights of the complainer and the alleged harasser. However, if an event of harassment has been established to the satisfaction of the Board and Jikoji's legal counsel, appropriate action will be taken by Jikoji against the person responsible for the harassment including but not limited to discharge from employment and such other action as may be required by law.

**Retaliation.**

Jikoji, or any director, officer, or employee may not retaliate against any victim or witness who reports a violation of this Harassment Policy. Any person who believes that he or she has experienced retaliation should report the matter to the President or Vice President of Jikoji or the Resident Teacher. Any allegation of retaliation will be fully and promptly investigated and based on that investigation appropriate action may be taken by Jikoji.

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### **3 CONFLICT RESOLUTION PROCEDURES (CRP)**

#### **Guidelines For Resolving Conflicts and Disagreements Within the Sangha**

The conflict resolution suggestions that follow are intended to give everyone involved in a dispute a chance to be fully heard in an environment of respect, fairness, and kindness. We make these suggestions with the understanding that, despite our differences, we share and meet in the identity of our Buddha nature.

We encourage parties in conflict, when possible, to talk with each other, doing so always with kindness.

If a Sangha member feels unfairly treated by one or more other members, that member is encouraged to discuss the situation with the other members involved; if multiple members feel themselves unfairly treated by one or more other members, those members are likewise encouraged to discuss the situation with the other members involved.

Compromise will often be essential in resolving conflict and we welcome it whenever possible. We also believe that no one should ever feel pressured or manipulated into a difficult or uncomfortable agreement or arrangement. While we deeply esteem peace and tranquility within our Sangha, we also recognize that resolving a conflict or problematic community issue is not the same as ignoring it or silencing complaint for an illusory or fragile peace. We understand that the use of Buddhist precepts and concepts to manipulate or exploit others violates the 10th Essential Precept (Section 1, above) -- to not abuse the Three Treasures of Buddha, Dharma, Sangha -- and so may itself be an ethics violation.

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## GENERAL CONFLICT RESOLUTION

### Step 1 - Talking and Listening

#### A. Getting the Facts Right

Each party has an opportunity to state the facts of what happened, trying to be as objective as possible. The two parties can then agree or disagree as to the facts of their conflict. While agreement on the facts is an essential first step in resolving a conflict, factual agreement alone may not be enough for the parties to effectively reconcile.

In situations where conflict persists despite factual agreement, or where no factual agreement can be found, the parties are encouraged to consider, as may be appropriate, the following alternatives.

#### B. Possible Misunderstanding

If there is no agreement on the facts, the conflict may yet be resolved if either or both parties can accept that the other party simply perceived things differently, that the conflict was a misunderstanding that can be acknowledged by all and gotten beyond. Uncovering points of misunderstanding can be facilitated by each party restating what the other has said, each assessing if the restatement was accurate and complete, and clarifying as necessary. Perhaps the recognition of a misunderstanding is enough to help resolve the conflict.

#### C. Outside Parties

If there is a disagreement on the facts that cannot be cleared up through discussion or attributed to misunderstanding, an outside party or parties may be helpful. A mutually trusted outside party, by meeting individually with each side of the conflict, may be able to clear things up, avoiding the charged back and forth discussions that can conflate facts, emotions, and the needs of two people who are in direct conflict.

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## ADDITIONAL CONFLICT RESOLUTION PROCEDURES

If the General Conflict Resolution procedures in Step 1 do not resolve a grievance, additional steps are available, depending on whether the dispute is limited to members of the General Sangha, or involves members of Jikoji's Leadership & Clergy.

#### Additional Procedures:

#### For General Sangha

If the General Conflict Resolution procedures in Step 1 above do not resolve a grievance in which *no one involved is in a leadership or clergy position*, the following steps may be taken, if all parties agree.

#### Step 2: Select Advocates

If no party to the conflict is in a leadership or clergy position, and if all parties agree, they can each select another trusted Sangha member as an advocate. Each party can explain to an

advocate their point of view, and the two advocates can try to reach a resolution on behalf of, and if desired in the presence of, the principal parties.

### Step 3: Select Conflict Resolution Technique

If the use of Advocates in Step 2 does not resolve a conflict or grievance in which no parties are in a leadership or clergy position, the parties may choose a person trained in a mutually agreeable conflict resolution technique (e.g., mediation, non-violent communication, etc.) to assist them in resolving the conflict.

Jikoji recommends the [Conflict Resolution Center of Santa Cruz County](#) (CRC) for outside conflict resolution. CRC's fee is \$125 for three hours, and they require that each party contributes a minimum of \$25 each. Jikoji is prepared to assist with these fees as necessary and appropriate, on a case by case basis. As the Sangha continues to explore current and emerging conflict resolution techniques the parties may choose alternative methods of mediation, such as Non-Violent Communication or other methods of consensus building.

### Step 4: Bring Issue to the Board of Directors

If the above steps have either been unsuccessful in resolving a conflict, or were otherwise deemed inappropriate, and if the issue is unresolvable and disruptive to the ongoing peace and harmony of Jikoji and its Sangha, the issue may be brought to the Board of Directors.

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#### Additional Procedures:

#### For Leadership & Clergy

If the General Conflict Resolution procedures in Step 1 above do not resolve a grievance involving *one or more persons in leadership or clergy positions*, the following steps are to be taken.

#### Step 2. Mediators

Jikoji will maintain a list of trained mediators, both lay and ordained, who are familiar with the function and purpose of Soto Zen temples and sanghas, and who understand the issues that may arise. Jikoji will select from this list one or more individuals to mediate and help resolve conflicts that involve members of the leadership or clergy.

#### Step 3. Board of Directors

If the use of Mediators in Step 2 does not resolve a conflict or grievance involving one or more persons in leadership or clergy positions, the matter will be taken up by the Board of Directors.

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## 4 PROVISIONS FOR DOCUMENT REVISION

This is a living document, to be revised as needed, as determined by those Sangha members who reference and/or use the document, and find it in need of revision. Revision procedures are to be considered an integral part of Jikoji's Ethics Statement; neither this document nor

subsequent revisions are to be adopted without integrated revision procedures, which are themselves subject to revision, through the process provisionally outlined below.

The following are proposed procedures for revision of this document.

1. These revision procedures are available to all Sangha members.
2. Revision suggestions should be sent by email to the Resident Representative to the Board (RRTB.) Within two weeks of receiving them, the RRTB will share the suggested revisions by email with the rest of the Resident Monks & Initiates Committee (RMIC), which consists of all on-site Jikoji sangha members ("residents").
3. The suggested revision must be seconded by one or more other RMIC members to be considered and put to a vote for adoption.
4. After a proposed revision has been seconded, RMIC members have up to 45 days to consider and discuss as each chooses; there is no obligation for an RMIC member to participate in the process.
5. If the suggested revision is rejected by the RMIC, it can be resubmitted, as above.
6. If the suggested revision gains traction among the RMIC, it can be put to a vote.
7. If the suggested revisions are approved by the RMIC, the RRTB will present the revisions as a formal resolution to amend the guidelines at the next regularly scheduled board meeting, where it will be considered according to established board procedures. Alternately, the amendment process can be conducted in full by email.
8. If the board approves the amendment, the "Jikoji Ethics Guidelines and Conflict Resolution" document will be updated accordingly, with the revised version becoming the "current" version, superseding all previous versions, which will remain accessible through Jikoji's archives.

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## 5 APPENDIX: HISTORY OF THIS DOCUMENT

This section outlines the history of this document, and is to be considered an integral part of Jikoji's Ethics Statement; neither this document nor subsequent revisions are to be adopted without this document history, updated as subsequent revisions require.

### Introduction to version RMIC ES & CRP v1.0b03

I am happy to be sharing with you the latest draft of the RMIC Ethics Statement & Conflict Resolution Procedures. It is almost identical to the previous version, with a few relatively minor changes, briefly outlined below, which came about as follows.

On Sunday, May 6, at 2 pm, the first meeting following the April 30 distribution of the previous version of this document was held. It was attended by Doug, Jen, Andy, and myself. A few clarifications were discussed and agreed to by all present.



2 A second meeting was held Sunday, May 13, attended by myself and no one else, so I took a nice nap in the zendo.  
(I needed it, having just tenzoed Sunday lunch after feeding construction crew all previous week, which added  
some delay to progress on this new draft.)

4 A third meeting was held today, Sunday, May 20, attended by Doug, Jen, Gerow, and myself. We reviewed the  
changes made at the May 6 meeting, which I'd incorporated into a new draft, which is attached below.

### 6 **RMIC vote**

8 Additionally, given how since the initial distribution of the previous draft there having been no additional  
comments made on it or issues raised about it, all current residents at the May 20 meeting felt that the attached  
document was ready to be put to a vote by the RMIC committee.

10 *Therefore, this email is also a notice of a voting period for the following document.*

12 I would like to propose that the RMIC review and vote on this document over the next week, with voting to be  
done in this email thread, by replying with a vote of ABSTAIN, NO, or YES, with votes to be submitted by the  
Monday, May 28, 7:30 am regular resident meeting, at which time the results and next steps can be discussed.

### 14 **Changes in this draft.**

16 The sentences located in the following locations have been changed from their corresponding sentences in the  
previous draft, which should be easy to locate as the basic document structure has not changed. If you've already  
read that the previous draft, there is no need to read it again; referencing the following changes should keep you  
up to speed. If you have not read the previous draft, there is no need to; this current document replaces the  
previous version.

20 In section The Three Pure Precepts:

The three numbered "titles" for each of the Three Pure Precepts were changed.

22 In section The 10 Essential Precepts:

The sentence that begins "All members of Jikoji's leadership..." has been changed.

24 A new section, 5 Appendix A: History of this Document, has been added, which contains the introduction to the  
previous draft.

26 In service,

Nico Detourn

## 30 **Cover letter and Introduction to version RMIC ES & CRP v1.0b02**

32 This draft proposal took shape over four scheduled Sunday meetings held between mid-March and mid-April 2018,  
to which all Resident Monks & Initiates Committee (RMIC) members were welcome to participate. I arranged and  
announced these meetings after Mike Newhall asked me to pick up the Jikoji ethics process after the previous  
34 process wound down.

36 **The first meeting (March 18)** was attended by Doug Jacobson, Hogan Martin, Hollis DeLancey, and myself. We  
discussed Jikoji's need for conflict resolution procedures (CRP), the form these might take, and compared the CRPs  
of multiple Zen centers, including the last CRP proposal put forward by the previous Jikoji ethics process in recent  
38 weeks and months. We also discussed the Harassment Free Workplace section of the [2013 Jikoji Policies &  
Procedures Manual](#) (PPM), a policy already in effect. At meeting's end it was decided that I would put together a  
document that included the full existing Harassment Free Workplace policy (PPM Section IV.A.5) along with a new  
Conflict Resolution Procedure that incorporated elements found in CRPs of other Zen centers, notably the [Ethics  
42 Statement and Grievance Procedure of Santa Cruz Zen Center](#), a [sister Sangha](#).

2 **The second meeting (March 25)** was attended by the same people as the first meeting, plus Jen Hohman, and  
Michael Petersen. I shared my progress on the document. We discussed and then decided to add Kobun's precepts  
4 to the document, paired with some text from Doug; and also language based on the [Ethics Statement of the Soto  
Zen Buddhist Association](#). It was felt that these additions would make for a stronger, more complete document;  
they would also satisfy key requirements of the SZBA.

6 **The third meeting (April 1)** was attended by the same people as the second meeting, plus Nick Strauss and Sage  
Liu Strauss at the tail end. I shared my progress on the document which at this point was taking clear shape. We  
8 discussed and revised the document's structure and specific passages to be included. We also considered adding to  
the document revised text of an ethics statement I prepared last year; we decided instead to link most of that text  
10 as an adjunct draft proposal, to be considered separately, as a follow-on process, for future inclusion as a revision  
of adopted policy.

12 **The fourth meeting (April 15)**, two weeks later following sesshin, was attended by Doug, with whom I shared my  
progress and discussed document structure and content. In those intervening two weeks I'd been closing in on a  
14 draft for distribution to the RMIC, in consultation with Doug and especially Hollis, with those consultations  
continuing through this past week.

16 **The attached proposal to the RMIC**, imperfect as it is, is the result of the above process. I am deeply grateful to  
the practical wisdom of all who contributed to its development; the document itself, as presented here, was  
18 assembled by me.

20 In service.

22 Nico Detourn  

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