

Shambhala Care and Conduct

Conducting ourselves and caring for each other

Summary

The Shambhala mandala is committed to creating enlightened society. This commitment involves devoting ourselves to personal transformation, helping to develop a compassionate community of practitioners, and contributing to the creation of enlightened society in the world at large. This document is based on work done at various levels of the mandala in the recent period and the practical experience of working over the past year, with the procedure described in it. The paper sets out four aspects of relating to the care of people within our own community and dealing with disputes and complaints:

1. Commitment to enlightened society
2. Conflicts within the community
3. Complaints against practitioners
4. Misconduct by Shambhala Office holders
5. Informal Resolutions
6. Reporting to the Shambhala Community

This document closes with an appendix, “Intimate Relationships with Participants”, which is being introduced into training for Meditation Instructors, Shambhala Guides and Teachers.

1. Commitment to enlightened society

The Shambhala mandala is committed to creating enlightened society. This commitment involves devoting ourselves to personal transformation, helping to develop a compassionate community of practitioners, and contributing to the creation of enlightened society in the world at large.

In the teachings of the Shambhala and Buddhist traditions, specific practices and instructions are provided to guide us in this three-fold commitment. These include: The Shambhala Edicts on Wholesome Human Conduct, The Five Precepts, The Four Immeasurables and The Six Paramitas, among others. These should be regarded as useful reference points for discussion of the issues that follow.

Compassionate transformation

The meditation and other practices given to our community have the ability to heighten and purify intense emotions and behaviours that can otherwise be harmful to ourselves and others. Each person experiences and expresses this process in their own distinctive way. It is natural therefore that we should experience various displays of troubled personal and social behaviour that each individual has to work with as part of his or her path. Ignorance and confusion tend to make us unaware of the effect our behaviour has on others. The forms and disciplines of the Shambhala Buddhist path create a container in which this process can

unfold enabling all practitioners to be protected as this heightening and purification takes place.

At the same time, the path of the bodhisattva warrior involves personal and group discipline. Discipline is cultivated during formal meditation, oryoki practice, the contemplative arts, kasung practice and other forms of meditation-in-action. This discipline is essential for two reasons. First, it is part of the process of learning to work skilfully with intense human energy on the path of warriorship and the journey to enlightenment. Second, personal discipline is essential in a community that provides an environment for teaching, practice and study.

Although each individual is part of what it takes to provide a safe and uplifted environment for teaching, practice and study, overall responsibility rests with the leadership of Shambhala Centres and groups – as well as the overall responsibility that is held by the Sakyong and the bodies that govern the mandala as a whole. Teachers, program directors and coordinators, meditation instructors and other office holders are expected to make every reasonable effort to ensure that such an environment is maintained. The practice of authentic leadership requires us to find ways of helping each other without aggression: provoking each other's innate wisdom and intelligence rather than imposing opinions or personal views on others. This responsibility includes working with individuals who may be experiencing personal difficulties which lead them to disrupt the practice of others or make it impossible to provide an appropriate contemplative environment.

The Vidyadhara created certain forms, such as the Deleg system and the Desung Corps, so that the community would have tools to work with each other as individuals on a common path. Not all Shambhala Centres and groups have Delegs or local members of the Desung Corps. One of our goals is to extend these forms more widely through the mandala. The role of the Desung Corps ("Bliss Protectors") is to assist in situations where the well-being of individuals, groups and the community as a whole is disturbed. The role of the Desung is to endeavour as far as possible to help resolve conflicts, and to enable practitioners to bring manifestations of neurotic behaviour to the path of personal and social transformation. Where possible, every effort is made to resolve issues within a compassionate framework of mutual understanding and respect. This framework may involve the Desung as well as other leaders in the community, using a variety of methods for individual and group healing.

The Desung Corps may be contacted at any time through the Rusung, Director of the Shambhala Centre or leader of the group. However, most difficulties and complaints within the community can be resolved by the skilful means of our local leadership, with assistance from the Desung Corps only if needed.

In all instances of conflict, complaint or allegations of misconduct, it is essential to remember that a number of causes and conditions have come together. The result is suffering – on the part of all involved. In the case of a person who feels they have been harmed in some way, it is part of our responsibility to offer care and support. Often what is needed immediately is spontaneous listening and unconditional attention. If the person is experiencing distress, we need to ensure that they are provided with an environment that supports them in stabilizing their mind and dealing with the situation. Formal procedures, if needed, can follow after that.

Codes of Conduct

The general principles of Shambhala conduct are broadly outlined in the Shambhala Edicts on Wholesome Human Conduct and the various instructions and practices of the Shambhala Buddhist path. They are not comprehensive and rather than relying on detailed injunctions, practitioners are invited to act in accordance with their understanding of the view of enlightened society. Those who have taken specific vows are, of course, expected to comply with not only the literal wording but also the profound view and motivation that gives to the taking of such vows.

At major events and programs within the mandala it is increasingly common for participants to be asked to sign a Code of Conduct specifically drawn up for the occasion. These are helpful to all involved as they establish a common framework, the relevant laws of the local jurisdiction and the procedure to be followed in the event of participants' not complying with the code. Consideration is also being given at the present time to a mandala-wide Code of Conduct.

2. Conflicts within the community

Conflicts arise naturally in human communities. Ours is no different. However, we are endeavouring to deal with and to learn from conflicts in ways that are beneficial to those directly involved and to the Shambhala community as a whole.

Conflict and disharmony, even between two people, can affect the whole community. Sometimes we may not want to look at this because it is easier to ignore it than to face it. But working with the raw materials of conflict and harmony is the practice given to us by our lineage.

Conflicts between individuals are often resolved informally between the people involved. However, it is sometimes necessary for the leadership of a Shambhala Centre or Group to create the conditions that enable the individuals to work together on their differences. Normally, a senior member of the Shambhala Centre or group is asked or offers to bring the individuals together in a non-judgmental environment that empowers the people to sit in meditation together, then listen to each other and explore ways of resolving their differences. In most instances it is not the role of the convenor to act as an arbitrator. His or her role is similar to that of a meditation instructor – providing a container of wakeful energy, listening deeply, allowing as much space, silence and intuitive insight to arise, and manifesting as a protector for the integrity and dignity of both beings. Several such meetings may be needed. In some instances, the individuals may wish to be accompanied by a friend or other companion. In other instances, it may be helpful for the individuals to meet in the stronger container of a group of practitioners. In all cases, however, everyone must understand and agree that they are joining a circle of confidentiality. This provides a container in which individuals may feel freer to talk openly about deep-seated personal issues. Everyone else in the circle is a protector for that openheartedness and the arising of basic goodness. They have a sacred obligation to respect the privacy of the circle.

When creating a group of people to form such a circle, attention should be paid to the importance of diversity among the individuals. As far as possible, the group should not, for

example, be comprised solely of people of the same gender, the same level of practice or the same professional background. The greater the diversity of the group, the greater the range of perspectives and resonance available for the collective listening and compassionate practice that the group will undertake together with the individuals in conflict.

The possibility of reviving the former Upaya Councils, regionally and internationally, is being explored, along with the training of individuals to serve on such bodies. At the present time, however, attempting to resolve conflicts remains the responsibility of the local leadership at centres and groups. If specialist advice or assistance is needed, the Director of the Shambhala Centre or leader of the group, may seek guidance and support from the Desung Corps.

3. Complaints against practitioners

Each Shambhala Centre and group should notify its members and participants in its programs to whom complaints should be made if the behaviour of any practitioner is distressing or harmful to others, or illegal. In the event of a complaint being made about the behaviour of a practitioner (other than someone acting at the time in their capacity as a teacher, meditation instructor, program director or coordinator or other office holder), it is the responsibility of the leadership of each centre or group to ensure that the complaint is promptly dealt with. The complaint will need to be looked into in such a way that the inherent dignity of all involved in the matter is respected. If the complaint is well founded, it is the responsibility of the leadership of the centre or group to ensure that appropriate action is taken. In most instances, bringing the individuals together in a circle of confidentiality, as is done for resolving conflicts, is recommended as the first step. The majority of complaints will resolve themselves through that process.

In the event of an extremely serious allegation being made about the behaviour of an individual practitioner (other than someone acting at the time in their capacity as a teacher, program director or coordinator, meditation instructor or other office holder), the centre or group may wish to adapt the Misconduct Procedure described below as a basis for dealing with the matter. However, only where there is no possibility of the centre or group dealing with the issue locally, and the leadership of the local centre or group specifically requests the intervention of the central bodies of the Shambhala mandala, will the matter be accepted under the Misconduct Procedure.

However, if the complaint is about the behaviour of someone acting at the time in their capacity as a teacher, meditation instructor, program director or coordinator or other office holder, the leadership of the Shambhala Centre or group should refer the matter to the Misconduct Procedure described below.

4. Misconduct by Shambhala office-holders

The Board of Directors of Shambhala, at its meeting of July 2002, adopted a resolution on

Shambhala Buddhist Conduct. It states:

Shambhala is committed to a practice, study, and work environment in which all individuals are treated with respect and dignity. In addition to being bound individually and as a community to basic Shambhala and Buddhist standards of conduct, we are also citizens of the larger communities in which our centres are located worldwide and, therefore, must abide by public laws. These include but are not limited to laws pertaining to alcohol, drugs and sexual conduct. Each individual has the right to practice, study and work in an atmosphere that is free from discrimination.

In cases where individuals wish to make complaints about situations or actions that may involve misconduct on the part of staff and others holding office within the Shambhala mandala, we are developing process that spells out a formal procedure (in this section) while leaving open the option of first exploring an informal resolution of the complaint (described in Section 5). The formal procedure involves involves a regional panel that deals with the complaint. The informal process enables the complaint to be dealt with at the level of the local Shambhala Centre or group.

This process is not intended to be, nor should it be confused with, the legal processes of society at large. This process aims to provide mechanisms within our own community to ensure that individuals who, for whatever reason, wish to make a complaint about the way in which they have been treated by staff, office holders or leaders of the community may do so. It aims to offer appropriate procedures so that such complaints can be addressed in the best interests of all those involved and for the benefit of the community as a whole.

This process may resemble judicial and conciliation mechanisms of society at large, but the foundation of the Shambhala process differs in several significant ways. As a contemplative community, we endeavour to bring all activity of body, speech and mind to the path of meditation, compassion and wisdom. Behaviours which may be harmful to ourselves and others are regarded as karmic obstacles to be acknowledged, examined and worked with on the basis that the innate nature of all beings is profound, brilliant sanity.

The basis of the process is not punitive, but restorative. It enables individuals to identify and correct harmful behaviours, to support all those who may have been harmed and to assist development of mature community life. The nature of this work may involve the individual, those associated with their unfolding karma, as well as the community as a whole or its representatives, all of whom share a deep commitment to the well-being of each other.

The basis for invoking the procedure

This procedure aims to address allegations of misconduct on the part of teachers, meditation instructors, program directors and coordinators, staff and other office holders in the Shambhala community, including Dorje Kasung officers. It also aims to work with the distress involved in relation to any such allegations. It may be invoked in response to:

- Allegations about behaviour that could possibly be unlawful;
- Allegations about actions that appear to violate specific vows taken by teachers, meditation instructors, program directors and coordinators, staff and other office holders in the Shambhala community;

- Allegations that point to a possible pattern of behaviour that may have harmfully affected a range of individuals;
- Allegations that cause a level of disturbance within the community that require a formal response.

Misconduct can be understood, but not necessarily limited to:

- aggression: aggressive behaviour of body speech or mind;
- passion: inappropriate sexual behaviour, misuse or misreporting of funds, etc
- ignorance: not fulfilling one's duty in a way that causes harm to others.

The Misconduct Procedure can be invoked at any level of the Shambhala mandala. Any individual may seek to have the process invoked by contacting any office holder of the Shambhala mandala.

Initiating the procedure

A complaint may be referred to the Desung General. If, on the basis of a preliminary examination, it becomes clear that there is not a sufficient basis on which to initiate this process, the person bringing the complaint will be notified, and also informed if there is any other way in which the Shambhala community can assist them with the difficulty they are having.

The Desung General chairs an International Panel responsible for overseeing this process. It includes a representative of the Office of the Kalapa Court and an Acharya. This panel is empowered to establish regional panels throughout the mandala to implement the misconduct procedure.

The role of the international and regional panels is to:

- provide a container in which the individuals involved can express their grievances and respond to each other in a way that provides the ground for basic goodness to arise;
- assist the parties in determining if there has been a violation of the principles that form the basis of our community, and the harm that has been caused by this;
- assist the parties in discussing any action that needs to be taken to make amends for any such violation and the steps that need to be taken to prevent such behaviour in the future;
- recommend any measure to be taken by any or all parts of the Shambhala mandala that could help lessen the likelihood of any such violation occurring in the future.

Normally the regional panels consist of three senior members of the sangha. They determine their own working methods depending on the situation in each case. Attention is paid to creating panels that have people of diverse characteristics. The panels are normally not comprised of people of the same gender, professional background and so on; although the panel members normally are selected on the basis of their experience in dealing with this type of matter, their integrity, good judgment and openheartedness.

Depending on the nature of the allegations being made, the matter may need to be investigated by a regional representative of the Desung Corps or may involve investigation

and assessment at the international level – or a combination of both. The President, Desung General and the other members of the panels consult regularly to monitor the unfolding of this process and make whatever adjustments are needed in the interests of all involved.

If a person wishes to object to the presence of an individual on a panel, they may do so in writing to the Desung General, who will be responsible for deciding on the merits of the objection. If the objection is to the presence of the Desung General on the panel in a particular case, the decision will be left to the Acharya on the international panel. If there is a complaint against the President, s/he will recuse himself from all matters to do with that particular complaint and his/her role at all stages will normally be played by the Commander of the Dorje Kasung.

Assessment

There is a need to assess the facts and, if possible, bring the parties together. Normally, a regional panel will be established for this purpose. The regional panel will take all necessary steps to contact the parties, assess the facts and bring the parties together in a circle of confidentiality. More than one meeting may be needed. It is not the role of the regional panel to act either as judges or arbitrators. They provide a container of wakefulness, creating the ground in which basic goodness may arise. At an appropriate stage, they find it helpful to ask questions or to explore possible avenues for dealing with the complaint.

If it becomes clear that the complaint is well founded, a number of options may be explored. These might include the following possibilities, which may arise naturally from good communication within the circle of confidentiality. There may be a written or oral statement of apology. That statement would include a commitment to specific ways in which the individual agrees to work on him/herself during the ensuing months/years. The individual may agree to work on him/herself in some or all of the following ways:

- Stop all teaching and meeting with meditation students for a period of six months to a year (or longer) depending on the severity of the case.
- Meet with an addictions specialist for an assessment. Engage in sessions of therapy if his/her inappropriate activity is deemed to be chronic or habitual.
- Go into meditation retreats for 4-6 weeks during the next year. Relate to a mentor/senior teacher at regular intervals.
- More severe measures might be needed, possibly to protect the community, depending on the nature of the inappropriate behaviour. (See below for the possible criteria of an outcome.)

Circumstances may require the Desung General to assign a representative to take a detailed statement from the individual(s) making the allegation. This needs to be completed as soon as possible. This may take the form of a signed statement, but if that is not possible or clearly not in the best interests of the individual, any other form of recording the individual's complaint that can be reliably worked with can be used for establishing a reasonable basis on which to proceed.

The complaint then needs to be presented to the person(s) against whom the allegation has been made so that s/he can respond. This will normally take place in a manner determined by the Regional Panel that will then work with the individuals in the best interests of all concerned.

The Desung General, on reviewing the nature of the allegations made and any initial information obtained in support of them, has the authority to suspend the office holder from fulfilling the functions of their office for a period of time -- which may be the time necessary to complete the Assessment or the entire time taken to complete the procedure, including the Appeal. Any suspension should be regarded as a normal part of any such process and should not be regarded as a determination on the truth or otherwise of the allegations. The suspension will not normally be announced to people who are not involved in the case; only when it is clearly necessary to do this would those not involved in the case be informed, and then only those who have a specific need-to-know.

A teacher, meditation instructor, program director or coordinator, staff member or other office holder who unreasonably refuses to participate in this process may in their absence be deemed unfit, on the grounds of a lack of confidence, to hold a particular office, and be suspended or have their participation in the community limited in some way until they address the issue at hand.

Outcome

The regional panel conducts its work and reports a provisional outcome to the international assessment panel. There will normally be a consultation between the panels in the interests of ensuring a reasonable level of consistency throughout the community and to establish if further investigation or discussion is needed before the regional panel concludes its work. Further investigation may be needed at this point.

The purpose of this process is not to administer punishment. It is to establish the truth (or truths) of the situation, enable amends to be made for any harm done, to correct the behaviour pattern that caused the harm and identify possible ways in which others can be protected from such harm in future. Therefore, if the complaint is well founded, a suitable outcome will likely consist of some or all of the following components:

- an acknowledgment by the individual that their behaviour caused harm;
- an apology for the harm done;
- making amends for the harm caused
- an agreement not to repeat the behaviour and, as needed, a commitment to undertake practice and/or therapy aimed at changing recurrent behaviour;
- a period that protects the community from such behaviour while the change is taking place;
- an acceptance of periodic monitoring or supervision as needed.

If the parties fail to agree on an outcome within the framework provided by the Regional Panel, or agree on a provisional outcome with which the Regional Panel disagrees, the Regional Panel has the authority to recommend its own provisional outcome to the International Panel based on its own view of what may be in the best interests of the individuals involved and the larger interests of the community as a whole.

The aim is to achieve consensus between the regional and international assessment panels, but if that is not possible, a majority view will be sufficient. The Desung General is

empowered to make a final decision if necessary, including a finding that there was insufficient basis on which to reach an outcome.

The final outcome is reported in writing by the Regional Panel to the Desung General. This report is communicated to all those directly involved in the complaint. All such reports are kept under secure file through arrangements made by the Desung General. Where the outcome requires that a person's name be kept on a register for a period of time, that process is conducted under the supervision of the Desung General.

In the event of a person being suspended from any particular role or activities (such as teaching, giving meditation instruction or exercising a leadership role) or deciding themselves to refrain from such activities, they will be trusted to abide fully with the suspension or personal decision. In certain circumstances, with the agreement of the President, the Desung General may let Centre Directors, Resident Directors and Dharmadhatu Directors know that the individual is suspended from particular responsibilities for a specified period of time or has decided to withdraw from those responsibilities while s/he is working on him/herself.

If, on examination by the Regional Panel or the appointed representative of the Desung General, it becomes clear that the complaint has been deliberately made on false grounds and constitutes an act of harm, the Regional Panel will work with the individuals involved to establish the most effective way in which amends can be made and, as needed, protection given to the reputation of the person against whom the false complaint was brought.

Appeal

Anyone involved in the case may make a written appeal to the President of Shambhala. This must be received within 30 days from the time that everyone has received the written report from the Regional Panel. The President will take such action as is necessary to process the appeal. The decision of the President is final.

Counselling and Conciliation

At all stages of this process, the Regional Panel is also responsible for ensuring that the individuals involved in this process have access to whatever counselling, conciliation advice or other appropriate assistance they need. The panel may seek the support of the Desung Corps or other members of the community. The purpose is to enable the individuals involved to deal with the unfolding of the karma of the situation in a way that deepens their understanding and compassion, both towards themselves and others.

A party to the case may be accompanied or advised by a friend or representative at any point in the process, including in any meetings with the assessment panel and so on up to and including the appeal.

Confidentiality

It is important to ensure that no one involved in the process is subjected to unsubstantiated and harmful gossip, and to create a dignified and concentrated container. This is important both for the person(s) bringing the complaint and for the person(s) against whom the complaint is made. In either instance, false perceptions and possible stigmatization associated with such accusations may inhibit the parties from confiding in anyone, which can have harmful consequences. Therefore, the principle of confidentiality is applied.

The principle of confidentiality means that the matter is not discussed with people

who are not involved in the process, but may include discussions by the parties with counsellors or close confidants, to whom the principle of confidentiality also applies. This is to protect the interests of all parties concerned and to ensure that all communications are undertaken in a spirit of resolving and healing whatever conflicts have arisen or may yet arise in relation to the complaint. This principle should be explained to all those involved and an undertaking to respect confidentiality should be obtained from each person prior to their making oral or written statements.

This principle is applied by the President, Desung General and the panels taking into account the need to disclose essential information as part of this process, while at the same time safeguarding the well being of the individuals involved.

5. Informal Resolutions

People need a complaint system with both formal and informal options and with multiple access points. Procedures for dealing with complaints must take into account the interests of the complainant, otherwise complainants often do not take action. The complainant should be offered a choice of possible alternatives as to how to resolve the complaint. Complainants who choose their own options are often more likely to be satisfied with the way the complaint is handled. When people believe they have realistic options to solve their problems, they are more likely to come forward in a timely fashion.

Anyone wishing to make a complaint therefore has the option of choosing an informal resolution rather than initiating the formal misconduct procedure described above. This may provide the maximum privacy and an opportunity for the earliest possible resolution for everyone concerned.

The complainant should contact the director or rusung of their local Shambhala Centre or any other senior officer-holder of the centre to whom they wish to speak. That person may suggest that the complainant speak directly to the person about whom the complaint is being made, may act as an intermediary or may suggest mediation or a facilitative discussion as an informal intervention. The complainant may request that the person about whom the complaint is being made not be informed of the complainant's identity with the acknowledgement that the anonymity of the complaint influences the nature of what can be done.

As with any such complaint, those involved will be asked to observe the principle of confidentiality in the best interests of all involved.

The Centre Director, rusung or other office holder dealing with the complaint may wish to consult the International Panel for advice on how best to proceed in dealing with the complaint at any stage.

If the person about whom the complaint is being made refuses to participate in an informal process, their refusal will not be held against them. They may simply wish that the matter be addressed formally, and may have many reasons for preferring this. In that case, the complainant may decide to initiate the formal procedure described above.

Attempts to resolve an informal complaint will normally be completed within thirty

(30) days from the date of the complaint. All parties to the complaint will be informed of the outcome of the informal process. However the matter is resolved, the outcome will be put in writing by the Centre Director, rusung or the person handling the complaint. A copy will be given to all involved and a copy deposited for the record with the Desung General.

If the complainant is satisfied with the outcome of the informal process, the complainant may not at a later date choose the formal procedure unless it concerns a fresh complaint.

6. Reporting to the Shambhala mandala

The President is responsible for ensuring that an appropriate statement on these issues is made for the benefit of the Shambhala Community. This need not involve the citing of individual names, but will be done in a manner than enables the community to understand the issues involved, the outcome and the lessons to be learned. This may take the form of periodic reports on Care and Conduct, highlighting particular themes that have emerged in working with these issues.

Appendix

Intimate Relationships with Participants

It is the responsibility of teachers, directors, assistant directors, meditation instructors and staff to establish and maintain the formality of the teaching relationship. Given the experiences of genuine open heart that take place along the path, feelings of tenderness, or even sexual attraction might arise in either the instructor or the participant. It is common and natural to be struck by the brilliance and beauty of people, to feel affection and love for them. Both instructor and student may feel emotionally and physically open, vulnerable and alive, or alternatively fearful and needy.

Such feelings must not be acted upon, however, if the integrity of the teaching relationship is to be preserved. The essence of decorum in such a situation is to provide a dignified and decent environment in which powerful emotions can be present without triggering the reflexes of our habitual patterns. Without denying the sexual dimensions of our being, the instructor should keep present in his or her mind the purpose of the instructor-participant relationship, which is to guide, encourage, and protect the participant's engagement with meditation practice and the teachings.

The responsibilities and expectations that accompany the instructor role are not compatible with those that accompany a casual friend. Thus, the instructor must refrain from any sexualizing gestures, inappropriate touching, verbal innuendo, invasive personal questioning, scheduling of dates, or intimate self-disclosures.

This directive is no different from the professional code of conduct for a doctor, therapist, teacher, manager or anyone else who can be seen to be in a position of authority or power relative to a participant. No matter how equal two people may feel, no matter how much the participant or student may want or even initiate the sexual nature of the contact, the decision to sexualize the relationship almost invariably means the loss of any ability to properly fulfil the situation's original purpose, and it can cause deep harm to the participant.

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