

## *IMCC\* Ethics and Reconciliation Council (EAR)*

Approved by Board December 12, 2013. Revisions approved by Board April 26, 2018

Buddhist ethics provides a foundation for the teaching, practice and community life of the Insight Meditation Community of Charlottesville (IMCC). As a lay community, we are guided by the five training precepts of abstaining from: killing, taking what is not given, sexual misconduct, unwholesome speech, and intoxication. These five are also the basis for the IMCC Teachers' Code of Ethics. Further, IMCC is committed to finding wise ways to work with conflict and to live in harmony with all beings.

Conflicts will inevitably arise within the IMCC community. We hold an intention of mutual respect and reconciliation when these difficulties or conflict arise. The health of our community is not measured by the presence or absence of conflict as much as by our willingness to find effective, responsible, and compassionate means of resolving interpersonal tensions. The intention to attend to and learn from conflict is a clear application of Buddhist practice into our daily lives; without this intention, practice can too easily be a comfort rather than a deep transformative vehicle for our lives.

Buddhist conflict resolution is not based on good or bad, blame or guilt, winning or losing, offenders or victims. Rather it is based on fully addressing the suffering of all concerned. Hurt, fear, and anger are taken seriously through forums in which everyone may speak honestly, safely, and completely about their own direct experiences and feelings. In looking for resolution, Buddhist practice values dialogue over ongoing silence, reconciliation over estrangement, forgiveness over resentment, confession over accusation, and atonement over punishment. Because the process of reaching such resolution is often very difficult, IMCC's Ethics and Reconciliation (EAR) Council offers support.

The primary role of the EAR Council is to provide initial, confidential consultation to anyone within the IMCC community who has conflict or ethical concerns with respect to the functioning together of the IMCC community. As such, the EAR Council may, on request, function as a simple sounding board for one's concerns, as a source of questions to facilitate deeper personal reflection, or as a source of guidance in how best to resolve the conflict. In these instances, EAR Council members are available to be mediators or witnesses for discussion between parties in conflict.

When IMCC community difficulties cannot be resolved through ordinary informal processes, these difficulties will be referred to the IMCC Ethics and Reconciliation (EAR) Council. The EAR Council, a standing IMCC committee, is a group of IMCC practitioners, widely respected for their maturity, integrity and lived practice, who are available to any community member who wants help in dealing with conflicts and grievances within the IMCC community.

The members of the Council are nominated by the IMCC Executive Committee in close consultation with the IMCC teachers and approved by the IMCC Board, for terms of three years. The EAR Council may be expanded to meet the needs of any specific issue, at the discretion of the Executive Committee of the IMCC Board. The EAR Council is comprised of at least one teacher, one board member and one general community member.

This committee will elect its own co-chairs from among its members and will meet on an as-needed basis, and/or when requested to do so by the IMCC Board chair. It will be available to meet on an emergency basis and will address three sets of circumstances:

## **1. IMCC Ordinary Concerns**

### **a. Hearing Concerns**

In consonance with the Buddhist practice of valuing dialogue over silence and reconciliation over estrangement, any EAR Council Member may be contacted by any IMCC member with a concern about decisions, finances, procedures, policies, customs, attitudes, practices, language or behavior within the IMCC community. These may be minor or significant, may involve only one member or groups of people within IMCC. The EAR Council member will hear the concern in whatever way seems appropriate, including email, phone, or in person.

If the EAR Council member to whom the concern is presented has a conflict of interest he/she will refer the concern to another EAR Council member for hearing.

### **b. Assessing and Acting on the Concern**

Once the EAR Council member has heard the concern, s/he will make a decision regarding how to proceed with the concern. This may include simply providing information; meeting personally with the individual for problem solving session(s), directing the person to another appropriate IMCC committee, teacher, Board member or resource, or referring the person to other useful resources outside of IMCC. In all cases, the EAR member will consult beforehand and/or report informally afterwards on the incident to at least one other member of the EAR team. Together, they will determine whether the existing resolution is satisfactory or if some deeper inquiry is needed. This may lead to an ending of the inquiry or, perhaps, to exploration through a larger IMCC Community dialogue in whatever form is deemed appropriate. If serious and continued unresolved, referral to the formal Grievance Process will be invited.

## **2. Formal Grievance Process**

While most difficulties and disagreements will be able to be resolved informally, on rare occasions, a more formal process may be necessary. In such a case, the following grievance process is available.

### **a. Bringing a Concern**

A formal grievance procedure is initiated by the complainant who will be asked to submit a letter of request to the EAR council that includes:

- A statement that a formal grievance procedure is requested.
- The name of the person(s) whose behavior the complaint involves.
- A detailed description of the alleged behavior so the EAR council can decide if the complaint is appropriate for initiating a formal grievance procedure.
- A history of attempt(s), if any, to resolve the complaint through other means.
- A general statement about the resolution desired.

### **b. Accepting the Concern**

The EAR Council will decide whether or not to accept the request and will convey its decision within two weeks to the parties involved. As part of this notification, the Council will state its understanding of the issue under inquiry and will explain its decision.

If a formal grievance procedure is initiated, the EAR Council will distribute a copy of the original letter of request to the party named in the complaint and will form a Grievance Committee.

### **c. Forming a Grievance Committee**

When a complaint is accepted, the EAR council will select one of its members to facilitate a Grievance Committee to investigate, issue findings, and render a decision on the complaint. The Grievance Committee will be made up of three people selected from the EAR Council. Each

party to the grievance will choose one person and the EAR council will select the third person. The EAR council facilitator will be a fourth member of the committee. S/he will facilitate the meeting but will not participate in decisions regarding resolution of the conflict at issue or vote on any action to be taken.

If any member of the EAR Council asked to serve in the Grievance Committee has a conflict of interest, s/he will recuse her/himself from serving on the Committee.

#### d. Investigating the Concern

The facilitator will schedule, in a timely fashion, closed hearings where all parties are given a chance to present their understanding of the issue under investigation. The Grievance Committee may question parties and request additional information. The facilitator will document the proceedings.

The Grievance Committee may ask other people to provide information pertinent to the complaint. All parties will have a full and fair opportunity to respond to all information – oral, written, or other – gathered by the Committee.

The proceedings and all pertinent documents will be held confidentially, not only for the duration of the proceedings, but in perpetuity, unless a court of law requires disclosure.

#### e. Committee Findings

When the Grievance Committee members are satisfied that they are adequately informed, they will review and discuss the case among themselves. At its discretion, the Committee may seek non-binding advice from any other source who agrees to hold the matters discussed in confidence. The Committee's decision should be reached by consensus. If unanimity cannot be reached, both a majority and a minority decision may be reached. Within two weeks of a decision(s), all parties will reconvene at which time the Committee will distribute copies of its written findings and read them aloud. For matters involving the potential suspension of an IMCC teacher, the Grievance Committee may consult with the IMCC Executive Committee and its Board of Directors to jointly determine the best course of action.

In the case of either ordinary concerns or more formal grievance process, the person coordinating the hearing will maintain close contact with the IMCC Board Chair regarding the progress of the proceedings. Together they will notify the IMCC Board that these actions are in process and will report on the outcomes to the full Board.

### **3. Ongoing Security or Safety Procedure**

Finally, the EAR Committee will also be available to convene and act quickly in situations where the security, safety or general well being of the IMCC community with respect to the speech or behavior of other community members is brought into question. (Note: Issues with respect to emergency threats on, or in, the IMCC community will not be managed by the EAR team. These will be addressed via a separate policy to be enacted and managed directly by the IMCC Board.)

a. **Bringing a Concern**

Any participant in the IMCC community may bring a concern to any Teacher, Board Member, or EAR Council Member about the potential threat of harm to self or community posed by any other participant. An EAR member will immediately inquire into the reported threat. If the threat is deemed by the investigating EAR member as potentially credible, then the person identified as a potential threat will be referred as soon as possible for assessment (see “c” below). If not, then both the person who felt threatened and the person initially identified as a threat will be referred to the EAR Council for the “Ordinary Concerns” or “Grievance” Process” or external support/resolution as appropriate and as outlined above.

b. **Assessing the Concern**

If after initial investigation the EAR Council, Board, and/or Teachers considers someone a credible potential threat to the safety of another IMCC participant or the Community, the person posing the potential threat will be referred to a qualified professional for a formal Risk Assessment. If that person refuses such an assessment, they will be separated from IMCC.

c. **Defusing the Concern**

If the qualified professional finds through formal Risk Assessment that the identified person is at risk for harming others, s/he will be referred to appropriate mental health and/or public safety resources and, until the safety of all can be assured, will be separated from IMCC.

The qualified professional and/or EAR Council members may report that person to law enforcement if they pose an imminent threat to the safety of another person or the public. (Note: according to the VA Code of Ethics for Psychologists, Social Workers, and Medical Personnel, depending on the circumstance, the professionals on the EAR Council may be legally mandated to make such a report.)

If the person is not found by the qualified professional to pose a threat to others, s/he will be referred to the IMCC “Ordinary Concerns” or “Grievance Process” below, and/or external resources for treatment and support.

#### **d. Follow Up**

A member of the EAR Council will document the case to completion, and send the report to the full EAR Council, Board, and Teachers.

An EAR Council member will follow up with the IMCC member who brought the report of potential threat to ensure their safety and comfort within IMCC and refer her/him for external support or treatment as appropriate.

### **4. Concern regarding the ethical conduct of an IMCC teacher**

Serious concerns regarding the ethical conduct (see separate document) of a teacher will be addressed through the same procedure(s) as outlined in the “Grievance Process” above.

#### **Record-keeping**

Each EAR committee member will keep a simple tally of numbers of their EAR contacts with the IMCC community. This is to include both numbers of contacts and which of the four categories any contact fell into: ordinary concern; general grievance; security concern; or grievance against a teacher. If it was an actual formal grievance process The EAR member(s) who managed that issue will also write a summary of the process. The informal counts and the more detailed summaries will be kept on file both by the EAR co-chairs and by the IMCC Operations Manager.

The IMCC Board of Directors will have final authority about all aspects of the functioning of the committee.

\*With grateful acknowledgement of guidance from the policies of the Insight Meditation Center, Spirit Rock Meditation Center, the Metta Foundation, and New York Insight.