



## Grievance Procedure

### **Introduction**

The mission of LMB and its programs and affiliates is to serve the Buddhadharma and nourish the lives of our community members. As a spiritual home with equal compassion for all, it becomes especially important that the teachers, facilitators, leadership staff, and governing structure of LMB support the welfare of the community members.

The LMB Ethics Policy codifies our expectations for the conduct of all individuals in a teaching role at LMB, as well as leadership staff and members in positions of authority.

The Grievance Procedures described here represent our effort to provide a clear system for individuals to express concerns regarding the conduct of teachers, others in positions of authority or center policies. These procedures seek to create a path to satisfactory resolution of problems consistent with our core values of non-harming, compassion, and accountability.

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.

With a mindset of equanimity, conflict resolution does not ascribe blame, incite guilt, or seek to label offenders and victims, but rather takes into account the suffering of all concerned. Hurt, fear, and anger are taken seriously through forums in which everyone may speak honestly, safely about their experiences and feelings.

In looking for resolution, LMB values reconciliation over estrangement, forgiveness over resentment, confession over accusation, and atonement over punishment, dialogue over silence. Because the process of reaching such resolution is often very difficult, in this document, LMB implements the following guidelines and procedures for dealing with such conflicts within the LMB community. It is our hope that such resolutions take the form of reconciliation with oneself and with others.

## **Responding to a Grievance**

**The LMB Programs Grievance Procedure comprises three steps:**

### **STEP ONE: RESOLVE CONFLICT INFORMALLY**

In many cases, small misunderstandings can often be resolved early when people are able to speak directly with each other. Left unaddressed, they can escalate into a more complicated and hurtful situation, completely out of proportion to the initial incident.

Although there is no fixed procedure for informal grievance resolution, the following recommendations are especially relevant to informal conflicts between disputants and intended to give all persons involved in a dispute a chance to be fully heard in an environment of respect and kindness.

- Settle the mind before trying to discuss the problem with the other party.
- Initiate any discussion in an appropriate setting. It will usually be inappropriate to have this conversation in a public part of a center or in the presence of other people whose minds may be negatively impacted by the discussion.
- Take the time to clearly explain the problem from your side to the person concerned and allow the person to have their turn to respond. It is important that everyone be given an opportunity to be fully heard. This means that everyone be given a chance to recount how they remember the history of a conflict, to state their feelings regarding the conflict, and to explain the goals they have for its resolution. Such statements should be neither defensive nor critical since both approaches tend to preclude deeper mutual understanding. Talking calmly and allowing adequate time to listen to each other is often all that is needed for reconciliation to begin and can often result in a harmonious resolution to the problem.
- Focus on the problem itself, rather than the person, in order to understand the causes and then look for solutions. Aim for long-term solutions that will reduce the chance of the problem recurring, rather than “band-aid” solutions or merely trying to smooth the problem over.
- Resolution and reconciliation are greatly facilitated if everyone involved reflects on how they may have contributed to a conflict and then explains this to the other party. Even when one person is primarily responsible, self-reflection, confession, and apology on everyone's part can provide a safer, more trusting, and understanding environment for everyone to be truthful.
- It is often useful to invite one or more neutral witnesses or mediators to take part in a session of conflict resolution. Such a person may simply be a silent witness providing a sense of calm and presence or may be an active mediator who helps ensure that each person is given opportunities to be heard. This person might also point out the difference between statements of opinion and interpretation and direct statements of how an event or feeling was or is actually experienced. Invited facilitators can be anyone whom both

parties respect; e.g., friends, neutral acquaintances, teachers, directors, members of the Grievance Council (see below) or people within or outside of LMB who are experienced in mediation.

- In addition to or instead of inviting a facilitator to participate, seeking advice and guidance from friends, teachers and members of Grievance Council can be useful.
- All involved should avoid discussing the problem with other members of the community, including staff and volunteers. This can be construed as gossip and slander and often only escalates the problem. In addition:
- People who have a grievance but do not follow this grievance procedure cannot expect to have it resolved formally and should be careful to avoid causing disharmony through their speech or actions.
- No center or project staff should be retaliated against in any way for reporting in good faith any allegations or misconduct. Such retaliation in and of itself may lead to disciplinary action by the appropriate authority.

## **STEP TWO: FORMAL DISPUTE RESOLUTION FORUM**

If the concerned individual feels unable to communicate directly with the person concerned or has tried this and failed to solve the problem, the next step is to ask for assistance as soon as possible — time is of the essence — ideally within one month of the initial problem. It may be advisable at this point to engage in a more formal reconciliation process. The center director is usually the appropriate person to approach for assistance in resolving the problem unless the grievance is regarding the director. If so, see Step Three.

The director may choose the next step at this stage — whether to refer the disputants to other dispute resolution forums or whether to meet with each person involved in the dispute separately at first, in order to give each party a chance to “air” the grievance, and speak openly and frankly about the issue. The director should encourage the disputants to arrive at a resolution to the conflict themselves; often, when an authority figure such as the center director hands down a directive, it may not be something that the disputants feel comfortable with, or a solution that they really feel addresses the underlying conflict. If the director chooses to have this initial meeting, and if that doesn’t successfully resolve the dispute the director would then refer the disputants to the Grievance Council, or to a mediator or arbitrator, to try to reach a resolution.

If the issue affects the entire community, the director would then most likely need to bring the issue to the Grievance Council, or to a trained professional mediator or arbitrator, to try to reach a resolution.

If the director is one of the disputants, the issue should be brought to the governing body, the board of directors, who then should follow Step Three.

## **STEP THREE: FORMAL GRIEVANCE PROCEDURE**

### *The Grievance Council*

The Grievance Council consist of Center Director or Center Manager and two or more Center Members, respected for their integrity, who are available to any members requesting help in dealing with conflicts and grievances within the LMB community.

Should either the Center Director or Center Manager be named in the complaint, that person will be automatically excluded from the Grievance Council for that specific complaint.

The primary role of the Grievance Council is to provide initial, confidential consultation to anyone with ethical concerns. As such, the 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 advice in how best to resolve the conflict. In addition, Council members are available to be mediators or witnesses for discussion between parties in conflict.

The members of the Grievance Council (or the mediator or arbitrator) selected should:

- have an understanding of the Dharma and are able to apply that to conflicts;
- be able to be objective and are respected by all of the parties to a dispute;
- have the cultural sensitivity to be effective, considering the specific circumstances.

An important function of the Grievance Council is to encourage an intention of mutual respect and reconciliation when conflict arises in our community. However, in the rare occasion that a more formal process is necessary, the Grievance Council is also available to oversee the implementation of a formal grievance procedure for such grievances, complaints and conflicts that cannot be resolved through individual dialogue or informal mediation.

For a Formal Grievance Procedure, the issue needs to be put in writing, with as much documentation and information as possible. The following steps outline the formal Grievance process:

### *1. Submitting a Concern*

A Formal Grievance Procedure must be addressed in a written letter, mailed to the center address with attention to Center Director or Admin Center Manager.

Should either the Center Director or Center Manager be named, the written complaint letter will be addressed to LMB Chair or President of the Board of Directors.

The letter must include:

- 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 Grievance 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 desired resolution.

### 2. Accepting or Rejecting the Concern

Within three weeks, the Grievance Council will decide whether the concern is deemed appropriate for a formal grievance process and will convey its decision to the parties involved. The Council will state its understanding of the issue under inquiry and will distribute a copy of the original letter of request to the party named in the complaint.

### 3. Investigating the Concern

A closed hearing will be scheduled by the Grievance Council or facilitator chosen by the Council, where all parties are given a chance to present their understanding of the issue under investigation. The Council may question parties and request additional information. The facilitator will document the proceedings.

The Council 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 Council.

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

### 4. Council Findings

When the Council members are satisfied that they are adequately informed, they will review and discuss the case among themselves. At its discretion, the Council may seek non-binding advice from any other sources which may include FPMT North American Regional Office or legal counsels etc., who agrees to hold the matters discussed in confidence. For matters involving an alleged breach of the ethical policy or a sangha member (see sections below), the Council may also consult with the appropriate FPMT governing body or bodies such as: the International Mahayana Institute (IMI) for Sangha members, FPMT Teacher Registration Committee for FPMT Registered Teachers, the FPMT North American Regional Office and Center Services for Spiritual Program Coordinator and Center Director, and any other such appropriate body, to jointly determine the best course of action.

The Council's decision should be reached by consensus. If unanimity cannot be reached, both a majority and a minority decision may be recorded. Within two weeks of a decision(s), all parties will reconvene at which time the Council will distribute copies of its written findings and read them aloud.

### **Other Grievance Procedures**

## 1. Mediation

Mediation is an alternative dispute resolution process whereby a professional trained in mediation skills and neutral to the dispute acts to encourage and facilitate the resolution of a controversy between two or more parties.

Mediation is a voluntary and private dispute resolution process. It is informal and non-adversarial with the objective of helping the disputing parties reach a mutually acceptable and voluntary agreement. In mediation, final decision-making authority rests with the parties.

A mediator is a neutral, impartial third party who facilitates the mediation process. The mediator's role is to reduce obstacles to communication, assist in identifying issues, explore alternatives, foster dispute resolution and otherwise facilitate voluntary settlement agreements to resolve disputes, without prescribing what the resolution must be.

Mediators have received specialized education and training in alternative dispute resolution methods and procedures. The mediator should be certified in the jurisdiction where she or he practices. Both of the parties to a dispute will be given the opportunity to participate in and agree to the selection of the mediator who will assist the parties in reaching an agreement to resolve their dispute.

In consenting to mediation, the parties to the dispute will be asked prior to the commencement of the mediation to agree that what is said in the mediation conference and any materials used during the mediation conference will remain confidential.

The mediation generally takes place in the office of the mediator or other location agreeable to the participants. Prior to the mediation conference, both parties will be given the opportunity to provide the mediator with a written summary of the dispute and any relevant supporting documents. The mediator will review the documentation submitted by the parties prior to the mediation in order to fully understand the issues. After the mediator has reviewed the written statements of the nature of the dispute and all relevant documents, a date will be set for the mediation conference at which both parties will appear and be given an opportunity to discuss and resolve their differences.

With the parties to the dispute present, the mediator will assist the parties to resolve their own differences through communication and negotiation techniques. The mediator skillfully assists the parties to a dispute in listening to and understanding each other's views so as to empower them to find ways to resolve their differences in a manner mutually acceptable to both parties. The mediator does not prescribe the outcome of the mediation, but instead facilitates the parties to the dispute in resolving their own issues.

While not at all necessary, sometimes, parties can opt for representation by an attorney, or other advocate in the mediation process. However, the mediator will generally focus on communication with and resolution among the parties and not their formal representatives.

If the parties are able to reach an agreement to settle their differences, the mediator will assist the parties in crafting a mediation agreement that will describe the terms of the agreement and will be signed by both parties. If the parties cannot reach agreement, there is no resolution unless the parties agree to or are bound by a previous agreement to move the dispute to a different process/forum such as arbitration.

Both parties generally share equally the mediator's bill for her or his time and services in conducting the mediation. Each party bears its own mediation-related costs such as travel, preparation materials, etc.

Most large cities have mediation services with professionally trained and licensed mediators. Generally, a licensed psychologist, social worker or lawyer will be able to refer you to a qualified mediation service. It is wise to review the qualifications and fees charged by the proposed mediation service carefully before selecting or agreeing to utilize the services of a particular mediation service.

## 2. Arbitration

Arbitration is a process whereby a neutral third party, called an arbitrator, considers the facts and arguments (and sometimes applicable laws, policies, or governing documents of an organization) presented by the parties and renders a decision which is generally final and binding.

The arbitrator is an individual agreed to or appointed by the parties, or by a pre-arranged process for dispute resolution, to adjudicate a decision in a controversy that is either subject to an arbitration agreement, or which the parties have jointly agreed to arbitrate.

The arbitrator must be neutral. An arbitrator who has a known, direct, material, or potential interest in the outcome of the arbitration proceeding or a known, existing, or substantial relationship with a party may not serve as the neutral.

Arbitration is much more formal than the mediation process, and unlike mediation where the parties are empowered to reach their own agreement to settle their differences, in arbitration, the arbitrator will hear evidence and reach a decision for the parties.

The arbitration process is trial-like, in that there are formal briefs filed, witnesses called under oath, evidence entered into the record, and a written decision issued by the arbitrator that is usually final and binding upon all parties. Often times, there is also a formal record of the proceedings through a court reporter or stenographer.

While it is not always necessary, parties often have formal representation at arbitrations provided by an attorney, or other advocate. Each party bears its own costs of representation.

Both parties generally share equally the arbitrator's bill for her or his time and services in

conducting the arbitration unless there is a different agreement in place, such as one where the losing party pays all arbitration expenses. Each party bears its own arbitration-related costs such as travel, preparation materials, etc., unless a different agreement exists.

There are local and national organizations which can provide arbitration references and/or services by arbitrators who meet professional standards and operate according to industry-standard guidelines.

### **Sangha**

Sangha refers to anyone living in the vows of a monk or nun.

In addition to the above Grievance Procedures, for complaints related to Sangha members' observances of their vows, the [International Mahayana Institute](http://www.imisangha.org) (IMI) should be contacted ([office@imisangha.org](mailto:office@imisangha.org)).

IMI will then follow up with an appropriate senior Sangha member in the local area who can discuss with the individuals concerned.

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