

Informational Paper presented by *An Olive Branch*

What follows is the verbatim text of this portion of the meeting presented by Rev. Kyoki Roberts from *An Olive Branch*. The purpose for the presentation was to contextualize the ZSS situation, providing an overview of sexual misconduct by clergy who lead spiritual communities, the impact it has on members, the particular aspects of Zen teachers' training that may influence the frequency of sexual misconduct, and ways an individual can work within a fractured community.

Sexual Misconduct by Clergy

In 13 states it is a felony for clergy to have a sexual relationship with a member of his congregation.

Here is the Minnesota law:

A person who engages in sexual penetration with another person is guilty of criminal sexual conduct in the third degree (2nd degree in Texas) if any of the following circumstances exists:

- the actor is or purports to be a member of the clergy, the complainant is not married to the actor, and:
 - (i) the sexual penetration occurred during the course of a meeting in which the complainant sought or received religious or spiritual advice, aid, or comfort from the actor in private; or
 - (ii) the sexual penetration occurred during a period of time in which the complainant was meeting on an ongoing basis with the actor to seek or receive religious or spiritual advice, aid, or comfort in private. Consent by the complainant is not a defense.

These state laws recognize that just as within your doctor/patient relationship, or that which you have with your therapist, this is not a consenting adult affair. This is about the misuse of power -- of one's fiduciary responsibility as a spiritual leader, of one's responsibility to protect the vulnerable, and one's requirement to have true consent before engaging in a sexual relationship.

- In spiritual communities misconduct is almost always between an older male cleric with many years of experience and much younger women who are new to the practice or community. Almost always, it is repeated w/more than 1 person. Almost always, there are people in the community who know about it but do not speak up, or if they do, they are shunned and it is they who are asked to leave.
- When asked to self-report sexual misconduct, between 5.8% and 38.6% clergy responded in the

affirmative. 87% stated they had worked with victims of clergy misconduct.

- In a Baylor University study of Christian and Jewish congregations,
 - More than 3% of women who had attended a congregation in the past month reported that they had been the object of clergy sexual misconduct at some time in their adult lives. Within the average congregation size of 400 members, 60% of whom are women, this means there are seven women who are direct objects of clergy sexual misconduct.
 - 92% of these sexual advances had been made in secret, not in open dating relationships;
 - 67% of the offenders were married to someone else at the time of the advance; and

While there have not been any studies that I know of within American Zen Buddhism, I suspect the incidence of sexual misconduct is very high. We create an intimacy in the zendo, the Buddha Hall, and the dokusan room that doesn't exist in any other spiritual community. We have both males and females, often in residency, and often new members come into the Sangha vulnerable because of divorce or trauma. We have the Zen mystique and we grant infallibility to the teacher. Whether we confront our teacher or he/she us, it is always our ego getting in the way.

Zen priests, historically, are completely untrained in transference -- the process in which a student unconsciously redirects feelings about something onto a new object, often the teacher or therapist -- and the use and mis-use of power. If a priest's teacher did it, the priest can too, creating a Zen family norm of misconduct. At the very least, a Zen teacher needs to know that a student may well fall in love with him or her, but it is always the teacher's responsibility to maintain the boundary between student and teacher.

Often Zen priests rely solely on the precepts as guides rather than being required to adhere to society's expectations as defined by specific laws, by-laws, or professional standards. Without an oversight body that can enforce behavior, priests are free to continue behaviors that, in other professions, would have their license to practice pulled or even criminal charges filed. In my own lineage, I know that three of the seven male (43%) dharma heirs have committed sexual misconduct and perhaps I just haven't heard about the others. (By the way, all three went public with their actions, all three made public apologies, all were one time only, and all three, after significant intervention, returned to teaching).

You can get more information on [An Olive Branch's website](#) and see a recommended reading list.

Now I would like to talk about the “victims.” Is “survivor” a better term? “Witness”?

1. *An Olive Branch* never names names. We ask you not to. The people involved have been hurt, shunned and punished enough by both the perpetrator and the community. Often at meetings like this they are re-victimized when even an unintentional statement sounds like the community is blaming them.
2. Each of you also has been hurt—by loss of a beloved teacher, loss of trust for the position of teacher, loss of respect for each other, loss of respect for your board and your community. I suspect you feel betrayed.
3. Then there is the ZSS board. They did not sign up to deal with this issue. They joined the board because they loved the practice and loved Eido. They hoped they could make ZSS thrive. They too are victims, both those who stayed and those who left. They have never shepherded a community through a crisis like this; volunteers themselves, they find they must take over the day-to-day operations of ZSS now that Eido has been removed. And I can assure you, they are making mistakes and will continue to do so, but not out of malice. Please remember back when you first drove a car—you didn’t do it very well either, and people are much more difficult than machines! Please do not continue to victimize them.
4. The other person locked into the maelstrom is what the literature calls the “after pastor.” This is the person who comes into the community after there has been malfeasance. In this case it is Shinge, your new abbot. Slammed, slapped, and buffeted by the hurricane winds coming from all directions, she is seen with suspicion, with anger, with distrust. Every moment of every day for the past year has been given over to try to guide this community through this storm. In almost every case, the after pastor is gone within three years. Please be kind to her and ask her what would be helpful.

Each of you has been harmed and collectively your Sangha has been brought to its knees. Your board believes there is credible evidence that Eido Shimano had sexual relations with one or more Sangha members and the Sangha now understand this to have perhaps been going on for decades. The board has asked for and received Eido Shimano’s resignation.

He was removed, not because he wasn't a great teacher and leader of this community, he was; not because he wasn't able to help you touch what my master called the "innermost request," he did again and again; nor was he removed for his inability to point each of you toward awakening, he did. No, the board removed him because he violated the sacred trust of the professional ethics of ministry and the victims and your community were hurt by these violations. It is these violations that have created the quagmire; **not your new abbot, not your board,** and certainly **not you the Sangha.** For much of this past year Eido has been trying to figure a way back into teaching. That is exactly what he has managed to do before if he could get enough angry people to leave the Sangha and then gather his supporters around to start over. This is a pattern within your community. This time it didn't work and on July 2nd he stated,

The Zen Studies Society's Chairman of the Board and Abbot will be Shinge Roshi only. I have retired, but some of you may think, 'Are there any exceptions?' No. I will stop doing dokusan and giving teisho in a formal way. In Japan, if an old Roshi is going to retire—for either health reasons or some other reason—there will be confusion among the training monks. Some leave, some stay, some are confused . . . but it ends up most of the time that half of them remain and half go somewhere else. I don't want this to happen at Dai Bosatsu Zendo, but if I completely retire and you don't support Shinge Roshi, the life of DBZ will come to an end [excerpt from Eido Shimano's letter and speech, July 2, 2011].

With these words, Eido finished teaching and working with students. A new abbot is installed and a request has been made that all Eido's students respect the decision and accept Shinge as their teacher. This is huge step for your organization. Despite all the anger, the shouting, shoving, and shedding of tears—or because of them!—we can hold this meeting today.

So here you are:

You have lost a respected and trusted leader, you have victims of sexual misconduct who need your support, you have a Sangha desperately trying to figure out what to do, you personally have lost friends and Sangha members, you have a struggling new abbot, and you have a conflicted board struggling to help their community amid dire financial straits.

What is it you can do now?

1. From each person, hear what has been most troublesome for them over this past year. Ensure that each person in the Sangha has been heard including yourself. Remember your view is always looking through the lens of your experience. Now, please try to see your dharma friend's point of view. And I emphasize both sides—to both hear and to be heard.
- 2.
3. Use best practices on how to help the people, including yourself, who have been hurt, while refraining from continuing the damage by pointing fingers at others. Greed, anger, and delusion are alive and well. Our practice is to look at ourselves and our role in this Sangha. Ask yourself, “Have I broken the precept of ‘not slandering’ or how about ‘harboring ill-will’?”
4. Educate your Sangha on prevention of misconduct and the abuse of power within a Sangha. Get training in communication, conflict resolution, and family systems. These are the tools that allow a community to flourish. You may want to create a task force to oversee and plan the events, education, and training that your community will need to re-create itself.
5. Work with your board to address structural issues that need to be put in place, such as by-laws, membership, and board representation that deal with decision-making within the community.
6. Vision a Sangha that survives this incredible ordeal and resurrects itself into what I call a Spiritual Adult Community.
 1. This new Sangha would have strong ethical boundaries, a membership that is not afraid of speaking their truth, and a leadership that always has the best interest of the student as its guide.
 2. An adult community takes refuge in Buddha, Dharma, and Sangha with the Sixteen Bodhisattva precepts as the basis for each of its actions, and ethical standards that spell them out.
 3. An adult community likens itself to a jigsaw puzzle: everyone is a piece of the puzzle and without one of the pieces the community is diminished and incomplete.

Most important of all is whether there is a consensus here to heal—to begin a long slow process that

heals each member of the Sangha, that heals the Board, that heals the abbot, and that heals the Sangha as a whole. Our experience is that you will not heal at the same pace. While one is ready to start looking at a variety of new options, another of your community is still grieving the loss of a friend and colleague.

An Olive Branch has been working with your board since early Spring to create today's program. We have talked with and e-mailed many of you. *An Olive Branch* assembled a team with over eighty years of experience helping communities just like yours. Barbara is the Director of the Center for Research in Conflict and Negotiation at Penn State and has worked at the national and international level. She is also President of her Sangha. Katheryn is CEO of CenterPoint Institute, a facilitation and board development service specifically aimed at nonprofits. I began mediating disputes for Interchurch Ministries and the State of Nebraska starting back in the 1980's at the same time I started Zen practice. I was ordained in 1993 and now am serving as Head Priest for the Zen Center of Pittsburgh. As a vice-chair of the Soto Zen Buddhist Association Board, I serve as chair of the ethics committee which recently developed the ethics statement for Soto Zen priests.

I would like to explain how we see our role. At *An Olive Branch* we help organizations with trainings in communication and conflict. We love to train Sanghas on how to prevent what just happened here. We facilitate boards looking at their mission statements and designing their future. We mediate individuals and organizations in dispute, and just like today, we do interventions where there has been malfeasance in an organization, especially when a leader is removed.

We bring our training and our experience to your organization. We will not make decisions for your organization, nor tell the Board what they should or should not do. What we bring is a process that allows you to express your feelings and ensure that at the very least you will be heard. We also hope we will capture your ideas and your hopes for going forward as a Sangha. We have asked your board to not make any formal decisions during our activities over the next two days. Sometime after we leave, your board will decide what actions to take. That is how your by-laws read and we always work within the structure of the organization. In their deliberation, I trust the ZSS board will include those ideas, hopes, dreams that arise over this weekend.

We would like to start today by asking you to generate the ground rules for our discussion. We will then look at a timeline of your organization especially focusing on the last couple of years. Sometimes we

can see patterns; almost always we see both joys and concerns for an organization. We will then go into what we are calling our “adapted” Samoan Circle where we would like you to express how you have been feeling since you first heard of Eido’s misconduct. During that session we will capture any ideas you have for making changes in the organization or hopes you have for the future. Tomorrow we will build consensus on those ideas. This weekend is for listening -- not making decisions. That will happen over the coming year. Finally we would like to end with a ceremony to remind ourselves we are all connected.

Let’s begin—it won’t be easy; I suspect we will have tears and anger; maybe some laughter. What I do know is that organizations just like yours, who found themselves in the middle of a storm, were able to take these causes and conditions and recreate themselves in such a way as to make a much healthier, much wiser, much kinder Sangha.

Thank you for being a piece of this puzzle today and now I will take any questions you might have about our process, about *An Olive Branch*, or the agenda.