3. Policy to Address Sexual Misconduct

1. Why have a policy to address sexual misconduct in Shambhala?

This Sexual Misconduct Policy supports the community’s commitment to creating and maintaining a diverse and open community which embodies principles of consent and respect to address sexual misconduct.

Shambhala includes many people with different backgrounds and cultures, and the Code of Conduct endeavours to clarify and set standards for appropriate behaviour across different ethnic and national cultures. A Shambhala vision of good human society is based on mutual care and respect which encompasses refraining from sexual misconduct.

As a society of people relating to people, physical attraction and romantic and sexual relationships are natural, yet certain power dynamics and positions can make it inappropriate or harmful to pursue sexual relations. Shambhala is part of a broader world in which power imbalances and sexual misconduct occur. Anyone may experience sexual harm, and this is more likely for women, LGBTQI people, people with disabilities, people living in poverty, and conditions of social oppression.

People who experience sexual misconduct can suffer anxiety, depression, debilitating stress, loss of self-esteem and a sense of unworthiness. Sexual misconduct can severely affect people’s lives, including being turned away from their spiritual path and the teachings. Even for those who are not directly involved, sexual misconduct creates stress in the environment and has negative effects on community culture, damaging its reputation and leaving it open to disputes and litigation.

In order to create safe spaces in which people can come to learn about meditation and connect with their basic goodness, Shambhala needs to address sexual misconduct as a community. For this to happen, everyone in the community needs to read and reflect on this policy,
recognize what sexual misconduct is, refrain from it, be empowered to interrupt it and know how to report it.

Unhealthy gender dynamics are at the root of sexual misconduct and everyone is encouraged to engage in additional awareness training.

2. To whom does this policy apply?

2.1 Scope and Application. The policy applies to everyone who is present and engages in any activity associated with Shambhala in person or online, regardless of where the activity occurs.

Additionally, everyone in a position of authority has a particular responsibility to refrain from sexual misconduct and maintain a social environment that addresses and discourages sexual misconduct.

2.2 Effective date. The effective date is Shambhala Day 2021 and it shall apply to events and circumstances occurring on or after the Effective Date.

2.3 Amendments. This policy may be amended at any time by the Board of Directors of Shambhala based upon a review by the Office of Community Care and Conduct.

2.4 Defined Terms

2.4.1 Sexual Misconduct is a broad term encompassing unwelcome behavior of a sexual nature that is committed without consent (as defined below in 2.4.5)

Sexual misconduct includes sexual abuse, sexual harassment, and sexual misconduct by people in positions of authority. Sexual misconduct may vary in its severity and consists of a range of behaviors or attempted behaviors.

Sexual misconduct can be committed by anyone towards anyone regardless of their sex, gender, gender identity or gender expression. It can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship.

2.4.2 Sexual Abuse is the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Sexual abuse is a broad term which includes a number of acts such as rape, sexual assault, sexual activity with a child, and child on child abuse.
2.4.2.1 Sexual assault includes a range of conduct, from actual or attempted forcible intercourse of any kind to any pressure that compels an individual to engage in sexual activity when consent (as defined below in 2.4.5) is not present.

Sexual assault is a crime, a violation of bodily integrity and sexual autonomy and is broader than the concept of rape. It includes intentional contact with the breasts, buttocks, groin, or genitals, or touching another with any of these body parts, or the use of coercion, manipulation, or force, to make someone else touch you or themselves with, or on, any of these body parts.

2.4.2.2 Child sexual abuse as defined in Shambhala (See Child Protection Policy).

2.4.3 Sexual harassment is unwelcome behaviour of a sexual nature that includes sexual advances, requests for sexual favours, verbal or physical conduct or gestures of a sexual nature. While typically involving a pattern of behaviour, harassment can take the form of a single incident.

2.4.4 Sexual Misconduct by People in Positions of Authority.

People in positions of authority must not exploit the trust relationship by:

2.4.4.1 Compelling or manipulating a person to compromise their personal boundaries, or consent to a sexual relationship that is not freely chosen.

2.4.4.2 To initiate or consent to an intimate relationship with anyone in the context of a meditation instructor-student relationship.

2.4.4.3 In the context of a specific program, class or meeting associated with Shambhala, to initiate or consent to an intimate relationship with any participant or program staff subject to that authority in that context. This prohibition also applies to Shambhala staff at the location where that program, class or meeting takes place.

The following are exempted from the scope of number 2.4.4.3:

a. Pre-existing and ongoing consensual relationships between adults; and
b. initiation of relationships involving people in positions of authority in Shambhala who are participating in the program, class or meeting solely as participants on an equal footing with other participants.

2.4.5 Consent and lack of consent.
2.4.5.1 For the purposes of this policy, **consent** is the freely and affirmatively communicated willingness to participate in particular sexual activity or behaviour, expressed by language or clear, unambiguous actions.

1. It is the responsibility of the person who wants to engage in sexual activity to ensure that consent is obtained from the other person.

2. Lack of protest or resistance does not mean consent, nor does silence mean consent. For that reason, relying solely on nonverbal communication can lead to misunderstanding.

3. The existence of a past or present sexual relationship between the people involved does not imply consent to future sexual acts.

4. Consent must be present throughout the sexual activity — at any time, a person can communicate a desire to stop the activity.

5. Consent to one form of sexual activity does not imply consent to other forms of sexual activity.

6. If there is confusion as to whether someone has consented or continues to consent to sexual activity, the activity must stop until each consents to it.

7. Consent is not procured by the use of physical force, compelling threats, intimidating behavior, or coercion.

8. In certain power dynamics, it is not possible to give or obtain consent. (See Policy for Conduct of Those in Positions of Authority).

2.4.5.2 **People who are unable to give consent.**

Under this policy, the following persons are assumed to be unable to give consent: people who are asleep, unconscious, or involuntarily restrained physically; people who are unable to communicate consent due to a mental or physical condition or disability; persons under the age of 18; persons whose judgement is impaired or who are physically incapacitated due to the influence of alcohol or other drugs (AOD), including medication. Such incapacitation occurs when an individual under the influence of AOD is, at the time of the sexual activity, unable to understand what is happening or unable to control their own behavior. If an individual is under the influence of AOD or sleeping, consent cannot be freely and affirmatively communicated and is therefore not granted.
3. Misconduct

3.1 Sexual Misconduct. Sexual misconduct as defined by 2.4 (to include Sexual Abuse, Sexual harassment, and Sexual Misconduct by People in Positions of Authority) is considered misconduct.

3.2 Sexual abuse is prohibited by laws, and the details of those laws may vary across the world. Anyone who suffers sexual abuse is encouraged to report it to the police, the local sexual abuse hotline, or other appropriate authority. Another person who is aware of the abuse may also choose to report it.

3.3. Shambhala encourages anyone who experiences or witnesses sexual misconduct to use one of the options outlined in the document ‘What to do if you have a concern in Shambhala’.

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