“CODE OF CONDUCT PROCEDURES”

PROCEDURE AND GUIDANCE ON ADDRESSING CONCERNS AND COMPLAINTS IN SHAMBHALA
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1. **VIEW OF THE CODE OF CONDUCT**

In Shambhala, we each have the aspiration to live with the natural human dignity of basic goodness. As a contemplative community, we aspire to bring all activity of body, speech and mind to the path of meditation, compassion, and wisdom. Good conduct becomes the basis for a trustworthy human society.

Misconduct arises naturally in human communities. Shambhala is no different. The code of conduct resolution process sets out how Shambhala responds to misconduct. In all instances of conflict or complaint, a number of causes and conditions have come together. The outcome is suffering on the part of all involved. We endeavor to learn from our mistakes, and to act in ways that are beneficial to everyone involved, and to the Shambhala community as a whole.

While the code of conduct resolution process may resemble some judicial and conciliation mechanisms in wider society, the foundation of the Shambhala process involves personal transformation. Behaviours that may be harmful to ourselves and others are regarded as opportunities to be acknowledged, examined, and worked with on the basis that the innate nature of all beings is profound, brilliant sanity.
2. OVERVIEW

The document *Procedure and Guidance for Addressing Concerns and Complaints in Shambhala* (the “Code of Conduct Procedure”) is intended to provide a manual for those involved in administering the Code of Conduct resolution process. In the interests of transparency, it is also available to everyone in Shambhala. Confidentiality is important in specific cases -- at least until a decision has been reached -- to help protect the well-being of the individuals involved. However, it is also important that people understand how the Code of Conduct system is set up and who holds positions of responsibility in that system.

**Part One** of the document begins with statements of view, followed by sections describing and explaining important elements of the Code of Conduct Procedure. These include local (informal) processes for resolution of concerns, protective or rebalancing measures that may be applied in cases of misconduct (for the benefit of their community and themselves), and anonymous reports of concerns.

**Part Two** of the document then walks through the steps of the Procedure when someone raises a concern in Shambhala (a “Reporting Person”), starting with an initial contact person, such as a meditation instructor, coordinator or staff person, or preferably to a Code of Conduct Facilitator (CCF) assigned to the Reporting Person’s location. If the Reporting Person chooses to file a formal complaint, the document describes how that complaint will proceed to a Regional Conduct Council (RCC). If the Reporting Person or the person against whom they filed the complaint (the “Respondent”) feels there are significant errors in the proceeding that can be articulated, they may appeal to the International Conduct Council (ICC), who will undertake a review of the proceeding. The ICC will also address complaints directly if they involve certain individuals in positions of international scope within Shambhala, such as members of the Shambhala Board of Directors.

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PART ONE: VIEW AND KEY ELEMENTS OF THE PROCEDURE

3. VIEW OF THE SHAMBHALA CODE OF CONDUCT PROCEDURE

3.1. Encourage a just and compassionate local response to concerns and complaints

The Shambhala community often relies on local leadership to deal with situations where someone’s behaviour causes disruption or upsets someone. Difficult and emotionally-charged issues can always arise, especially in an intensive practice environment. While there are situations that are only appropriate to resolve at a regional or international level – or by authorities outside Shambhala – local leaders are entrusted and empowered with responsibility for the spiritual and temporal well being of the local Shambhala community. However, people who hold official positions cannot do this on their own, since each member of the community is responsible for their own behaviour and for playing their part in creating a good human society. Everyone in the community can learn from and protect and assist one another; this interdependence is an essential part of our path.

3.2. Genuineness

Whenever we are called upon to support the resolution of complaints and concerns in Shambhala, and particularly if we have a specific role in that process, it is important that we relate with all parties in a genuine manner. We may feel that we should act in accordance with a “role”, and adopt a more formal, distant, ”official” manner, but this is not helpful. We can relate with any party who is involved in the process in a genuine, human-to-human manner without a fixed mind. This is what we have all been training for. At the beginning it is essential to ask the question, “What do you need right now?”

4. RESOLVING CONCERNS LOCALLY

4.1. Introduction

As much as possible, communities are encouraged to resolve concerns and complaints locally. This can be the first approach when chosen by the parties involved. Exceptions to this would be situations that would require mandatory reporting or would have consequences across Shambhala.

If either the reporter, respondent, or CCF wish, concerns may be sent directly to a regional council. In those cases, it may be more difficult logistically to resolve the
concern through an informal process, but if the reporter and Respondent both wish to use an informal process, the Council involved could arrange it.

Taking an informal approach to resolving a dispute, concern or any interpersonal situation may be best for everyone involved. **Dialogue, listening and talking directly to each other** is often less stressful than formal actions, offers more of a sense of ownership and understanding of the process. This often creates mutually beneficial solutions where everyone involved may open their hearts and minds, increase their awareness about the other’s experience of suffering, and grow personally.

If local means of resolving issues are not successful, a formal complaint may be raised.

### 4.2. Informal Approach — Talking to each other

The first step in resolving interpersonal concerns is often to speak directly to others, listen closely and gain perspective on the situation. Some types of conduct are simply unwelcome. These may include people being disruptive or discourteous, using language that may be upsetting. Through listening, mutual respect and compassion for others, problems and misunderstandings can often be resolved informally between the people involved. Sometimes, it is helpful to invite another person to be present to support.

### 4.3. Formal Approaches — Restorative Processes

Restorative processes (RPs) are used throughout the world to provide an inclusive and balanced approach to conflict and crime. The RP approach **requires all parties to freely consent to participate** actively to resolve matters arising from the concern. RPs take into account the needs of all parties, including the community, and can enable everyone to explore, identify, understand and possibly transform a conflict. After reaching a resolution of the conflict itself, all those affected may come to a common understanding and agreement on how the matter may be repaired in a fair and compassionate manner. This does not prevent further action from being taken, as a Restorative Process may not always resolve a conflict.

Both the reporter's and the Respondent's needs must be heard, understood, and taken into account before proposing a Restorative Process (RP). A local formal restorative process may be arranged at the local level by the Code of Conduct Facilitator (CCF) in coordination with others with a relevant role at the local level if necessary. The reporting will need to state their preference for an RP, and it can be initiated only after a meeting at which the Respondent has seen and understood the details of the reporter's concern, and has acknowledged a level of responsibility for having given rise to the Reporting Person's concern. Otherwise, the Reporting Person would have to file a formal complaint at the regional level, as a local resolution process may trigger further suffering.
A Code of Conduct Facilitator (CCF) would always make sure that the Regional Conduct Council (RCC) or International Conduct Council (ICC) have the information from the CCF about the Reporting Person’s concern and the outcome of any Restorative Process (RP). The RCC or ICC can support local processes in whatever additional ways might be helpful for the Respondent’s understanding. This may be particularly important in cases where the Respondent is a person holding a position of authority within Shambhala.

There are different types of RPs that can be used for a local informal code of conduct resolution process:

Under no circumstances will a Restorative process be utilized for any allegations of sexual abuse, sexual harassment, violent behaviour, or in cases involving sexual activity with a child under the age of 18, or if a criminal complaint has been filed.

In addition, Restorative Practices may not be utilized if the Respondent has committed or is accused of committing multiple Code of Conduct policy violations or for violations involving drugs and/or alcohol.

4.3.1 Mediation: dialogue between reporter and Respondent facilitated by a trained mediator. Both parties may have support persons present in this meeting, and people can talk about what happened in the reported situation, its effects on their lives, and their feelings about it. They may choose to create a mutually agreeable plan to repair any damage to individuals and the community that occurred as a result of the facts. It is useful to put the agreement in writing.

Before initiating a mediation process, the mediator contacts both parties to make sure mediation feels appropriate for them both. In particular, the mediator seeks assurances that both are psychologically capable of making the mediation a constructive experience, that the reporter will not be further harmed, and that both understand participation is voluntary.

If all parties are willing to participate in Mediation, the Mediator will then set a time for the Mediation session. The Mediation shall:

- Introduce the goals of mediation and the involved parties.
- Establish ground rules.
- Provide each party with an opportunity to make an opening statement.
- All the parties to discuss what they have heard.
- Identify and clarify the core issues.
- Generate options for resolution.
allow for options to be negotiated until the parties reach a mutually agreeable solution.

- Develop an Agreement of Understanding.

**Agreement of Understanding**

The Agreement of Understanding outlines the options selected by the parties involved that establish a mutually agreeable solution to the conflict moving forward. Parties each sign the Agreement and receive a copy prior to departing the Mediation. The Mediator may follow up with the parties at a later date to ensure that the Agreement of Understanding is functioning. If at any time the terms of the Agreement are not being honored by one or both parties, the Mediator may call for a second Mediation session or refer the matter back to the Code of Conduct Facilitator.

[Source]

Naropa University - Complaint Procedures

http://restorativejustice.org/restorative-justice/about-restorative-justice/tutorial-intro-to-restorative-justice/lesson-3-programs/victim-offender-mediation/#sthash.0nRR6PYJ.dpbs

4.3.2 Conferencing programs: This type of process involves the people most affected by the situation -- the reporter and the Respondent, their family and friends, and key supporters of both in the community. These affected parties are brought together by a trained facilitator. Participation by all involved is voluntary. The idea is to have an extended conversation about the reported wrongdoing and its consequences, and to decide on a resolution of the process that can help repair harm done to individuals and the community.

Before initiating a conference, the facilitator explains the process to the reporter and Respondent and invites them to the conference. The facilitator also asks them to identify the key members of their support systems who will be invited to participate.

The conference would typically begin with the Respondent describing the incident, followed by the reporter doing likewise. Each may then direct questions to one another, followed by questions from their respective families. Each participant describes the impact of the incident on their life. Through these narrations, the Respondent has the opportunity to see the human impact of their behaviour on the reporter and on those close to the reporter and the Respondent.

The reporter is then asked to identify desired outcomes from the conference, which helps to shape any obligations that may be placed on the Respondent. The Respondent and their supporters meet privately to discuss possible reparation. They then present an
offer to the reporter and those in attendance. All participants may contribute to the process of determining how the Respondent might best repair the harm they have caused.

Important to this programme is the community’s commitment to the Respondent’s constructive reintegration in the community after having made clear that the Respondent’s conduct in the reported incident was unacceptable. The session ends with participants signing an agreement outlining their expectations and commitments.

[Source]

4.3.3 Circles: Where acceptable to both parties, circles are particularly appropriate for dealing with complex situations, because they bring together diverse sectors of the community for an open, egalitarian, and respectful dialogue. Participants typically speak as they pass a “talking piece” around the circle. Though Circles have keepers -- whose role is to direct the movement of the “talking piece” -- participants share the responsibility for working things out in a way that honors all interests and includes them substantively and authentically in decision-making.

It is recommended that circles begin and end in a good way honoring the space shared. The circle does not provide a solution to problems or a magic wand that makes the problems instantly better. However, it enables people to tap into a capacity for wisdom, collective support, and insight. The circle determines the kind of response expected of the Respondent, although it may also lead to commitments from the community and family members involved.

[Source]
http://restorativejustice.org/restorative-justice/about-restorative-justice/tutorial-intro-to-restorative-justice/lesson-3-programs/circles/#sthash.NIW2L2K0.dpbs

4.4. Monitoring a Restorative Process

Restorative resolution processes need to be monitored by the Code of Conduct Facilitator (CCF) or another person acceptable to the Reporting Person, the Respondent, and others involved. The CCF would notify the RCC about the conditions of any agreement reached in a local process. If an agreement cannot be successfully completed with the CCF’s intervention, or it is not respected by one of the parties, a formal complaint process may be needed.
5. **PROTECTIVE AND REBALANCING MEASURES**

In any community or society mistakes, misconduct and misunderstandings occur. However, these situations need to be addressed and people need to be protected.

The Regional Conduct Councils (RCCs) and International Conduct Council (ICC), and in certain situations, the Director of Community Care and Conduct, may require that specific measures be applied to a Respondent under the Shambhala code of conduct resolution process.

Required measures under this Code of Conduct serve these purposes:

1. for the protection of people in the community from potential future misconduct and confusion ("protective measures")
2. to provide a possibility of education or healing for the community ("rebalancing measures")
3. to support one or both parties to find or rediscover their natural wisdom.

Protective measures and rebalancing measures may be applied together.

If a Respondent refuses to engage with the process, then protective measures may be applied as necessary until an outcome is found.

### 5.1. Protective Measures

#### 5.1.1 **Purpose:**
The purpose of protective measures is to limit the situations in which the Respondent may interact with members of the community during the code of conduct resolution process, in which case they do not imply that misconduct has occurred. They may also be applied as an outcome of the process. In certain situations, on an emergency basis, they may also be imposed after a concern has first been reported. The Respondent may need support if they are subject to protective measures.

A review date must always be set wherever a protective measure is applied and follow-up undertaken and reported by the Mentor assigned to the individual concerned.

#### 5.1.2 **As a Temporary Measure during a Complaint Process**

For the well-being of the community (and, in some cases, particularly the Reporting Person), it may be necessary to take protective measures before a complaint is heard or even investigated. The decision to take temporary measures is subject to certain standards and findings, such as potential immediate harm or danger, the need to keep subsequent proceedings based in fact finding that isn't compromised, etc. A person may be requested not to fulfill the duties of their role (e.g. teaching), until a decision on the
complaint has been made. This type of temporary protective measure may include any of the options described below. The CCF or local leadership may make a recommendation to the Council and/or to the centre director regarding protective measures and in the case of disagreement, the CCF may ask the Regional Council to make the final call. When a complaint process reaches a final outcome, any temporary protection action would be removed and, if appropriate, replaced with whatever protective measures the final outcome requires.

5.1.3 Protective Measures as Part of a Final Outcome

A person could be suspended from some or all of their roles and positions of authority within Shambhala as part of a final outcome of a formal complaint process. That suspension could be for a specified period of time or could be contingent on completion of specified rebalancing measures (as described below). Where it is clear that there is no possibility of rebalancing at the time of the decision, the suspension could be indefinite.

In some situations, a person could be prohibited from appearing physically at one or more Shambhala locations or from participating in some or all activities associated with Shambhala (physically or virtually). In other situations, it may be appropriate to set limits or conditions on their participation in certain activities. If a center would like to request support in enforcing this type of protective measure, they are encouraged to contact the Office of Community Care and Conduct at codeofconduct@shambhala.org.

If a Respondent refuses or intentionally fails to complete required measures, or a Complainant acts to prevent the Respondent from completing them, or there is any other intentional effort to interfere with the completion of a code of conduct resolution process, then this will be considered as misconduct, protective measures will be applied, and a new process may be initiated.

5.2. Rebalancing Measures

In addition to protective measures, as part of the decision of a Council, rebalancing measures may be needed to support the Respondent’s well-being and help them uncover their blind spots and grow through gaining new perspectives, wisdom and awareness, to move forward personally and in the community.

Required rebalancing measures may include:

- mentoring in Shambhala (by a peer or more senior person),
- further training in specific areas of identified need,
- regular check-ins with a person capable of providing support within Shambhala,
● attending substance abuse programs,
● seeking professional counseling or therapy,
● taking legal action if required,
● actions for restitution,
● a restorative process,
● restrictions on participation in centre activities

Rebalancing measures can at times be valuable for reporting people and even the community at large.

6. ANONYMOUS REPORTS

6.1. Receiving an anonymous report

A person may be very concerned about something that has occurred in Shambhala but fears that reporting in an open way would expose them to retaliation, or risk making the situation worse. A person may also not wish to name themselves where they do not trust some of the people who would become aware of their concern.

The code of conduct resolution process will treat all reports with equal care, including anonymous reports. However, there are limits to anonymity in this process, which must be explained to the Reporting Person. The RCC or ICC must assume that the Reporting Person understands these limitations. For example, if the Reporting Person is the only person who could know about what is reported, their identity may be inferred by the Respondent or others.

The anonymous reporting procedure may involve the Reporting Person assigning someone through whom they can communicate with a CCF, RCC or ICC. Having an intermediary of this kind makes it possible to ask the reporter clarifying questions and receive forwarded responses.

6.2. Responding to an anonymous report

If the report names any witnesses, describes misconduct that can be substantiated, or provides any information sources or details that can back up what they report, the RCC or ICC involved will conduct an investigation. The investigation will be particularly important in an anonymous report. While the RCC or ICC must take all reasonable steps to respond to the report, no decision can be made if the information provided by the
Reporting Person and uncovered in the investigation is not enough to conduct a fair and just process.

7. RECEIVING CONCERNS BEFORE GOING IN TO THE CODE OF CONDUCT RESOLUTION PROCESS

Most commonly, a person with a concern or complaint (a “Reporting Person”) first contacts a Shambhala educator, centre or group leadership, or friend in the community to discuss their situation.

As a friend or community leader, your primary responsibility is to listen, and then to acknowledge and facilitate next steps in collaboration with a CCF. You are not expected to have specific knowledge of the whole code of conduct resolution process.

When approached with a concern or complaint in Shambhala:

Ask them, ‘What do you need?’

7.1. If they are reporting an emergency

Call emergency services or the police. If the Reporting Person has been hurt or needs protection or care, provide what assistance you can, personally or by calling on people in the environment to help, as needed.

7.2. If they are reporting a practical, maintenance or housekeeping issue

Refer practical, maintenance or housekeeping issues to the person in your location who is responsible for the matter raised. Follow up with the matter, to the extent that you can.

7.3. If the concern is about misconduct or something of a more sensitive nature

Initial conversation: Invite the person to talk privately with you and ask them ‘What is happening and what do you need?’

7.3.1 During your time with the person raising a concern, show consideration and care to them. Ask them to tell you what has happened, listen to them carefully with an open mind, and treat them as you would wish to be treated yourself. Do not attempt to downplay the concern or persuade the Reporting Person to overlook it.

7.3.2 If the person is reporting something that may be a criminal act under the laws of that location, let them know that they should report the situation to the police or other
appropriate local authorities (whether they have experienced or witnessed it). If they agree, provide assistance for them to do so.

7.3.3 Where mandatory reporting of certain criminal acts (e.g., child sexual abuse) is required in your location, advise the Reporting Person that this must be done. If the Reporting Person does not wish to report this, Shambhala may have legal responsibilities in connection with that. You should ask the Regional Conduct Council (RCC) immediately for guidance.

7.3.4 Tell the Reporting Person that you will write a summary of the meeting, but that these notes will only be used in a code of conduct resolution process. Confidentiality will be held by everyone involved in the process until next steps are agreed upon with them.

7.4. Next steps

7.4.1 Give the Reporting Person contact details of the Code of Conduct Facilitators (CCFs) associated with their location, and ask if they would feel comfortable speaking with one of those listed. If they are, help arrange a personal meeting or videoconference as soon as you can.

7.4.2 You can get contact information for a Code of Conduct Facilitator (CCF) at your local Shambhala centre or on the Code of Conduct Hub. If neither CCF is acceptable or available to the Reporting Person, they may choose to contact a Code of Conduct Facilitator outside their area if they prefer. Advise them to contact an alternative CCF if they don't receive a response within two days.

7.4.3 If the Reporting Person does not want the matter to be handled locally, tell them they can reach out directly to the RCC for their area, through the Code of Conduct hub, and assist them in doing so, if requested.

7.4.4 Before closing, ask if the Reporting Person needs anything else, and provide for follow up as appropriate.

7.4.5 Write notes of your meeting, including who was present, when and where the meeting took place, what the person reported, and what steps the Reporting Person intended to take next.
Send the notes to the CCF or RCC, as appropriate. Make sure that they acknowledge receiving the notes.
PART TWO: THE SHAMBHALA CODE OF CONDUCT RESOLUTION PROCESS

8. CODE OF CONDUCT FACILITATOR (CCF)

A CCF will be available upon request to serve each Shambhala centre or group. CCFs who reflect the diversity of the Shambhala community will be recruited.

In your role as CCF, you are responsible to facilitate the process of raising a concern without advocating on behalf of either party. While kind and sensitive, you are not intended to serve as a support person for either party involved.

It is your responsibility to:

8.1. Conduct an interview with the Reporting Person

8.1.1 Providing and receiving information

- Confirm the interview arrangements with the Reporting Person. The meeting may be in person or by videoconference (or by phone if other alternatives are not possible).

- If the Reporting Person already met with an initial contact in Shambhala, make sure you have received and reviewed the notes of that meeting.

- When arranging the interview, ask the Reporting Person if they have a support person (as described in What to Do if You Have a Concern in Shambhala). If not, help them find one from the pool of people who have volunteered to be support people, if they wish. Make sure they know that they may have a support person present for the interview. A support person is not a “legal advisor,” but can communicate on behalf of a Respondent/Complainant in the case that the person is experiencing challenges in communicating. The support person must be in the presence of the reporter when communicating.

- Make sure the Reporting Person has read and understood the Confidentiality Agreement (available on the Code of Conduct hub) before proceeding further.

- The Reporting Person (and their support person, if any) will need to sign the Confidentiality Agreement. If the meeting is not taking place in person, they may “sign” the document on the Code of Conduct hub or send the CCF an email stating that they are “signing” it.
8.1.2 Agreeing on the next steps

- Explain the format of the meeting: you will ask them to tell you what happened (or confirm what you’ve learned from the initial contact), and then agree on the next steps.

- Tell them you will need to take notes and/or record the interview. Assure them that the notes or recording will be held confidentially and used only within the code of conduct resolution process.

- Show consideration and care to the Reporting Person. Ask them to tell you what has happened, listen to them carefully with an open mind, and treat them as you would wish to be treated yourself. If you have received notes from an initial contact person, you may ask for confirmation of that information rather than ask the Reporting Person to recount everything again. Where necessary, ask open questions to get clarification on specific points. Keep in mind that every repetition of a traumatic event can recreate the trauma.

- In the interview, make sure the Reporting Person has (or has access to) the document, What to Do if You Have a Concern in Shambhala, and go through it with them. They will need to acknowledge receiving it in writing. If the meeting is not taking place in person, they may acknowledge receipt on the Code of Conduct hub or send the CCF an email stating that they have received it.

- If the Reporting Person’s concern is a situation where a criminal act may have been committed and has been reported to the police or other authorities outside Shambhala, ask about the status of that external process.

8.1.2 Agreeing on the next steps

- Discuss with the Reporting Person the available options for next steps. Ask whether they wish to resolve their concern at a local level (see “Resolving concerns locally” above) or file a formal complaint (as described below). In certain cases, there may be limits on what can be done locally.

- Make sure they understand that a local process will be provided only if (1) they choose it and (2) the Respondent agrees to the process and takes responsibility at some level for the situation being reported. Otherwise, the only option available will be filing a formal complaint.

- Make sure the Reporting Person understands that you are going to have a conversation with the person(s) against whom they have made an allegation (the “Respondent”).

- If the Reporting Person wishes to raise a concern without having their identity revealed, explain that they may do so, but that there could be limits on what the code of conduct resolution process can achieve. For example, a follow-up interview may not be able to be conducted without giving away the identity of the
Reporter, making it difficult to come to a full understanding of what happened. (See “Anonymous Reports” above.)

- If the Reporting Person is concerned about possible retaliation for raising a concern, or if you suspect there may be threats to anyone’s safety in connection with this concern, contact the relevant RCC for guidance.
- Discuss and confirm with the Reporting Person which option they are wanting to pursue. If they wish to use a formal local process, confirm which type of process they prefer.

### 8.1.3 Helping the Reporting Person initiate a resolution process

- Work with the Reporting Person to complete the Interview Form, which can be found on the Code of Conduct hub.
  - The Interview Form will include details already in the notes and may include additional information.
  - In any case, the Interview Form should be a comprehensive presentation of the Reporting Person’s report, including identification of any witnesses and references to any supporting evidence.
- If the Reporting Person wants a process to go forward, make sure they know that theRespondent will be given the information in the Interview Form (without the Reporting Person’s name in the case of anonymous complaints).
- If the Reporting Person chooses to file a formal complaint, make sure they understand that the RCC will take charge of the process once the complaint is filed.
  - The formal complaint process is initiated when the RCC receives access to the Interview Form stating that a formal complaint process has been chosen.
- Confirm with them that the Interview Form is accurate and complete.

### 8.1.4 Completing the Reporting Person interview process

- Before closing, ask if the Reporting Person needs anything else.
- Notify your Regional Conduct Council that the Reporting Person wishes to file a formal complaint.
Make sure the Regional Conduct Council has access to the Interview Form, along with the Initial Contact notes and any additional documentation or information.

If the Reporting Person has chosen a local resolution process, inform the RCC of that when sending the Interview Form. The Regional Council may follow up with the CCF and/or make recommendations to support the local process.

8.2. MEET WITH THE RESPONDENT

8.2.1 Providing and receiving information

Bearing in mind that receiving this information can be extremely challenging, contact the Respondent as soon as you can and tell them that an allegation has been made against them.

- Invite the Respondent to a private meeting within 24 hours, in person or by videoconference (or phone if necessary).
- When arranging the meeting, ask the Respondent if they have a support person. Let the Respondent know they may have a support person of their choosing present at any time during the code of conduct resolution process. If they do not have a support person in mind they may request one from within the pool of volunteers.

At the private meeting:

- Show consideration and care to the Respondent throughout the meeting. Take account of any distress they may be experiencing, and how this may affect their responses.
- Explain the format of this meeting: you will tell them what has been alleged, let them know that you want to hear what they have to say and listen to their experience with an open mind, providing the outline of the code of conduct resolution process and then discuss the Reporting Person’s chosen resolution process.
- Make sure the Respondent has read and understood the Confidentiality Agreement (available on the Code of Conduct hub).
- The Respondent (and their support person) will need to sign the Confidentiality Agreement. If the meeting is not taking place in person, they may “sign” the document electronically and then send it to the CCF via email.
Tell them you will need to take notes and/or record the meeting. Assure them that the notes or recording will be held confidentially and used only within the code of conduct resolution process.

Provide the Respondent with the essential information in the Reporting Person’s Interview Form about the nature of the allegation (omitting the Reporting Person’s name in anonymous reports).

If the RCC has already decided that protective measures should be temporarily applied to the Respondent, tell them about those measures when informing them of the details of the allegation.

Ask the Respondent to tell you their experience, and take notes. Ask them to identify anybody present or with knowledge of the situation, and any further details that they feel should be considered.

8.2.2 Scenario (a). The Reporting Person wishes the matter to be managed locally and the Respondent acknowledges some level of responsibility

- If the Respondent acknowledges some level of responsibility about the concern the Reporting Person has raised, describe the Reporting Person’s preferred resolution process and ask for the Respondent’s agreement.

- If the Respondent agrees, ask if there is anything else that they need to discuss before closing the meeting.

- If the Respondent agrees with the principle of a local process, but has concerns or wants to propose an alternative process, take notes of their proposal and follow up with the Reporting Person in order to reach an agreement about the preferred process.

8.2.3 Scenario (b). The Reporting Person wishes the matter to be managed locally and the Respondent does not acknowledge any level of responsibility

- If the Respondent does not acknowledge any level of responsibility, make sure they understand that the Reporting Person may file a formal complaint against them and then ask if there is anything else they need before closing the meeting.

- If the Respondent wishes to file a cross-complaint against the Reporting Person, then their allegations should be handled in the same way that a Reporting Person’s concerns have been, i.e. directing them to the process that they need to follow with the support of the document What to Do if You Have a Concern in Shambhala, and treating their concerns in a neutral and compassionate manner.
8.2.4 Scenario (c). *The Reporting Person wishes to file a formal complaint*

- Guide the Respondent through the document *When a Formal Complaint Has Been Filed Against You* about the complaint process and how it is handled. Make sure the Respondent acknowledges in writing that they received that document.
- Discuss options available to the Respondent for support.
- Make sure the Regional Conduct Council has access to the notes and accompanying documentation.

8.3.  **Moving a resolution process forward**

### 8.3.1 For a local process

- If the Reporting Person and Respondent agree to resolve the concern with a local process, follow the instructions in “Resolving concerns locally” above.
- You will need to involve others in the process. This may include local leadership, support people, witnesses, other community members, and/or a trained mediator or facilitator.
- It will be your job to monitor that whatever process the Reporting Person and the Respondent have agreed on is initiated, conducted appropriately, and resolved.
- Summarize the process, including how it was conducted, who was involved, when and where it occurred, and what the outcome was. Make sure your summary and any accompanying notes are accessible to the Regional Conduct Council, which may have further recommendations or provide further support.

### 8.3.2 For a formal complaint

- If the Reporting Person is filing a formal complaint, once all information from the Reporting Person and the Respondent has been documented, the completed information needs to be made available to the Regional Conduct Council within two days.
9. THE ROLE OF REGIONAL CONDUCT COUNCILS IN ADDRESSING FORMAL COMPLAINTS

Regional Conduct Councils (RCCs) receive, review, and respond to all formal complaints and strive to achieve the most fair, just, and compassionate outcome. **However, formal complaints are not the same as legal action in cases involving criminal behaviour.** A formal complaint may reflect misconduct or a conflict that cannot be resolved through a local process. A formal complaint may also reflect the Reporting Person’s preference for avoiding their local community in resolving their concern. *When a Reporting Person files a formal complaint, they become a “Complainant” in the code of conduct resolution process.*

Regional Conduct Councils are central to the formal complaint process, reviewing the narratives and supporting evidence, interviewing the individuals where appropriate, and directing investigations where necessary. The Regional Conduct Council may refer some cases directly to the International Conduct Council (for example, complaints involving members of the Shambhala board of directors).

If a Complainant has concerns about the impartiality of any member of the Regional Council, they can ask that that member recuse themselves. The entire RCC will consider that request.

9.1. How a Regional Conduct Council begins its process

9.1.1 Receiving a formal Complaint and Contacting the Respondent

- The Regional Conduct Council (RCC) will review all information and documentation supplied by the Code of Conduct Facilitator (CCF), or provided directly from the Complainant. The RCC will ensure it has all of the information from the CCF.

- If the Reporting Person chooses to bring a concern directly to the RCC, rather than through a CCF, the RCC will need to provide the Respondent with the document *When a Formal Complaint Is Filed Against You*, and any additional information that the CCF would have provided to the Respondent. (See the CCF sections 1 and 2 above for other action the RCC will need to take in cases where a concern comes to them directly).

- The Complainant is notified that the Respondent has up to 30 days to respond to the allegation, unless there is an amendment to the complaint at which point the clock may be reset.

- The RCC will make sure that the Respondent has received the Complainant’s Interview Form and understands what is alleged. Should the Respondent choose to engage the services of attorneys, the Code of Conduct procedures will be suspended until the formal legal proceedings are abandoned or concluded.
The RCC will request a formal response from the Respondent, giving the Respondent a reasonable period (not to exceed 30 days) to make that formal response. The response should be a comprehensive presentation of the Respondent’s view of the concern, including identification of any witnesses and references to any supporting evidence.

The RCC will provide the Respondent’s formal response to the Complainant.

The RCC must consider the Respondent’s response fully before taking further steps.

9.1.2 Temporary Protective Measures

Based on the information and documentation supplied about the case, the RCC may decide that protecting the individuals and the community during the process of resolving a complaint requires the RCC to apply temporary protective measures. (See “Protective Measures” above.)

The RCC will liaise with the Director of Community Care and Conduct and the CCF in the Respondent’s community of any temporary protective measures being applied, as well as other people who may need to be informed.

If temporary protective measures have been applied, the RCC will directly communicate this to the Respondent, not in an email, and will consider how that person can be supported.

9.2. How the RCC considers a complaint

9.2.1 Meeting with those involved

After a formal complaint has been filed, if either the Complainant or the Respondent wishes to have a formal interview with the RCC, they may request one, and the RCC will arrange it in person or by videoconference (or telephone, if necessary).

The nature of that interview would be similar to interviews conducted by Code of Conduct Facilitator (see part II, Section 7)

If the Complainant has chosen to address the RCC directly, the RCC will always provide formal interviews with those involved in the complaint.

The RCC may choose to interview the people involved in order to clarify written statements and arrange to hold the interviews in person or by videoconference (or telephone, if necessary).
9.2.2 Conducting an investigation

- If the RCC needs more information to reach a decision on the complaint that they have received from the parties, the RCC will appoint one or more skilled investigators to uncover any additional evidence that may be available.

- The RCC will set the parameters for the investigators’ activities based on the information and documents received, and will review their report.

- If the RCC feels additional investigation is needed in order to reach a final decision, it can repeat the investigative process outlined above.

- If investigations have uncovered relevant information beyond what was initially received, the RCC will provide that information to the people involved, who will be given a reasonable opportunity to respond to that information.

9.3. How the RCC makes and communicates a final decision

9.3.1 How the RCC reaches a conclusion

An RCC must reach a conclusion on every formal complaint that a Complainant files. That conclusion will form the basis for its final decision. Where a complaint addresses a matter unrelated to the Code of Conduct (for instance, a teacher’s competence), the RCC’s conclusion will be that they cannot resolve the complaint under the code of conduct resolution process.

In general, an RCC will base any decision involving protective and rebalancing measures on the preponderance of the evidence, or ‘more likely than not’. The RCC must reach a conclusion in a fair and impartial manner, and be able to explain its rationale.

In reaching its conclusion, members of the RCC would:

- be satisfied that the Respondent is fully aware of the issues set out in the complaint and has had a genuine opportunity to respond to the results of the investigation and all of the evidence being considered.

- review the Respondent’s evidence and their account of what happened with an open mind.

- take into account all relevant information and eliminate consideration of irrelevant information that may be prejudicial to anyone involved.

- take into account any relevant mitigating or aggravating factors for anyone involved.
These factors could include mental or physical health challenges, stressful circumstances, family concerns, status within Shambhala (which could increase the severity of violations in some cases), etc.

- consider the conclusions reached in other, similar cases.

### 9.3.2 How the RCC makes its final decision

- The RCC will meet as a council and come to a final decision on a complaint after reaching its conclusion on the Respondent’s actions. The decision will take into account all aspects of the RCC’s conclusion.

- If the Respondent is found not to have violated the Code of Conduct, the RCC will communicate its final decision first to the Respondent, then to the Complainant, in person or by videoconference (or telephone, if necessary), with an explanation of the reasoning behind the decision. No decision will be communicated by email.

  - If the RCC concludes that the Complainant has deliberately filed a false or malicious complaint, a complaint may be filed with the International Conduct Council against the Complainant.

- If the RCC has concluded that a violation has occurred, it will consult with the Complainant, the Respondent, and appropriate community leadership regarding action to be taken. The form of these consultations may vary according to the circumstances of the complaint and its outcome.

- After these consultations, the RCC will determine whether and which protective or rebalancing measures are appropriate. (See “Protective and rebalancing measures” above.)

- In applying protective or rebalancing measures, the RCC should consider the decisions reached in other, similar cases and what alternatives may be available. Protective or rebalancing measures should be fair and reasonable. Measures need to be monitored by the RCC and need to have a stated time limit.

- If in the course of interviews with Respondent and Complainant, there is a mutual desire to engage in a local process as part of the rebalancing measures, this can be arranged through the Code of Conduct Facilitator concerned. process, then that is possible.

- After determining protective or rebalancing measures, the RCC will communicate its final decision first to the Respondent, then to the Complainant, in person or by videoconference (or telephone, if necessary), with an explanation of the reasoning behind the decision. No decision will be communicated by email.
- The RCC will confirm its final decision in writing and provide it to both parties advising them of their right to appeal to the International Conduct Council.

- If neither party indicates within 60 days that it will pursue an appeal to the International Conduct Council, the RCC’s final decision will stand.

- The RCC will communicate its final decision to the Director of Community Care and Conduct and appropriate community leadership, as well as any CCF involved.

10. THE ROLE OF THE INTERNATIONAL CONDUCT COUNCIL IN ADDRESSING FORMAL COMPLAINTS

10.1. The International Conduct Council’s special responsibilities

The International Conduct Council has two special responsibilities.

10.1.1 Certain cases will be referred as a formal complaint directly to the International Conduct Council (for example, complaints concerning members of the Shambhala board of directors). In those cases, the International Conduct Council (ICC) will operate similarly to an RCC, as described above. The ICC will review the narratives and supporting evidence, and direct investigations where necessary.

10.1.2 Any case decided by an RCC may be appealed to the ICC if either party feels there are significant errors in the proceeding that can be articulated. The International Conduct Council (ICC) who will undertake a review of the proceeding, and take any additional steps they find necessary to ensure that the outcome reached was according to a fair, just, and compassionate proceeding as possible in the circumstances.

10.2. How the ICC addresses the appeal of a Regional Conduct Council’s decision

10.2.1 How the ICC considers an appeal

- A Complainant or Respondent who believes there are errors in the proceeding and wishes to appeal that decision must provide the ICC with a written explanation of the reasons for the appeal as soon as possible, but not more than 60 days after receiving the written confirmation of the RCC’s decision. The ICC can be contacted through the Code of Conduct hub.
• The ICC will then inform the other party of the appeal and provide the written explanation for the appeal and request a written response within 30 days. If the other party does not want to be involved, the ICC will nevertheless continue with the appeal process.

• The ICC will immediately request from the RCC its record of all information and documentation related to the proceeding.

• Any protective or rebalancing measures that the RCC has applied as part of their final decision will continue to apply during the process of appeal.

• Confidentiality applies to any appeal process.

10.2.2 How the ICC makes and communicates its ultimate determination on an appeal

• The ICC will review the RCC’s record thoroughly with an open mind, looking for any ways in which the RCC may have made an error that affected the final decision.

• If the RCC’s record does not give the ICC enough information to reach a conclusion, the ICC will take further steps to make a determination.
  ○ The ICC can direct additional investigations, using the procedure described above for RCC investigations.
  ○ The ICC can ask the Complainant and Respondent to meet with them in person or by videoconference (or, if necessary, by telephone), in order to question them directly.
  ○ The ICC can interview witnesses directly or take other steps to gather relevant information.

• If the RCC’s record or the ICC’s further steps give enough information for the ICC to make a determination, the ICC will come to one of three possible conclusions:
  ○ that there were no errors in the proceeding and the RCC reached the appropriate result
  ○ that there were errors, because of which the RCC did not reach the appropriate result, and the ICC itself determines the outcome of the complaint

• The ICC will notify the RCC and both parties (separately) of its determination, through videoconference, whenever possible, that will allow for discussion of the outcome.

• The ICC will record its conclusion in a written determination and provide a copy to the parties, the RCC, and the Director of Community Care and Conduct.
The ICC’s determination after an appeal of a Regional Conduct Council’s decision cannot be appealed further.

10.3. Appeals from an International Conduct Council’s decision in cases under 9.1.1.

- A Complainant or Respondent who believes there was an error in the proceeding and thus an inappropriate outcome under 9.1.1 and wishes to appeal that decision must provide the Shambhala Board with a written explanation of the reasons for the appeal as soon as possible, but not more than 60 days after receiving the written confirmation of the ICC’s decision.

- The Shambhala Board may appoint a special panel to review the proceeding for a significant error or to review the appropriateness of the Rebalancing Measures taken in relation to the misconduct involved. The Board’s decision is final.

11. FOLLOWING UP AFTER RESOLVING ANY code of conduct resolution process

When a code of conduct resolution process has reached a resolution at the local level, the regional level or the international level, that does not mean it is complete. The outcome must be properly communicated, as described in each section. It also needs to be recorded with the Office of Community Care and Conduct, as described below, and any further actions required by the resolution must be implemented and verified.

11.1. Implementing and Verifying Further Actions

A code of conduct resolution process may be resolved by a CCF through a local process, by an RCC through a formal complaint process, by an ICC through a direct complaint process or an appeal, or an appeal from an ICC decision.

In each case, whoever took the primary role in administering the process before an appeal (e.g. a CCF, an RCC or the ICC) has primary responsibility for ensuring that the process is properly completed and any further actions agreed in the process are carried through. Thus, the RCC will retain responsibility even if the ICC has made a final determination through an appeal. However, if the complaint came directly to the ICC, then the ICC would have the responsibility for implementation and verification.

If a CCF, RCC or ICC individual who is responsible for implementation or verification is succeeded by another person, then they need to ensure that whoever takes over their responsibilities is aware of what still needs to be done. This responsibility is particularly important where the RCC or the ICC has applied protective or rebalancing measures.
Where actions are implemented as a result of a local process, a CCF can ask the relevant RCC for support in implementing and verifying further actions.

Where the ICC has decided a case directly, in most cases, a CCF will not be involved, but it will still be helpful for the ICC to maintain communication on these actions with the CCF for the relevant location.

11.2. Keeping Records of code of conduct resolution processes

Keeping accurate and complete records of code of conduct resolution processes, with their outcomes and further actions, is extremely important for the well-being of individuals and communities within Shambhala. In general, these reports will be kept confidential, although RCCs and the ICC may decide what level of confidentiality will apply on a case-by-case basis. In particular, records of decisions that involve protective measures will be carefully monitored and kept current as described under 10.1.

CCFs, RCCs, and the ICC must ensure that they have accurately named and saved in the designated folder all code of conduct resolution processes with which they have been involved, from the initial notes to the outcome of any formal complaint.

All Code of Conduct related files will be saved in shared google folders. The CCFs will have a designated shared folder where they will save and access files related to local concerns and complaints. As needed, and when a concern becomes a complaint to be handled by the RCC, the CCFs will prompt the RCC to access the relevant folder. The RCCs will also manage their own files in a designated RCC shared folder, and have access to and regularly review the CCF shared folder. The ICCs will have their own designated shared folder, as well as access to the RCC and CCF shared folders. The CC Director will have access to all shared folders and support the proper naming, saving and sharing of files for all levels – CCF, RCC and ICC.

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Approved By: Shambhala Board of Directors.