

## SZBA Ethics Committee Determination

██████████ (Claimant) / Shugen Arnold Roshi (Respondent)

March 14th, 2025

██████████ (MC) submitted an ethics complaint about her experience with a complaint submitted to the ZMM Ethics Committee on March 16th, 2023. MC was unsatisfied with how this process was handled by ZMM leadership and subsequently submitted claims to the SZBA Ethics Committee for review. Two members of the SZBA Ethics Committee conducted a review and presented their findings to the rest of the committee. The SZBA Ethics Committee found that, on a few points, Shugen Arnold Roshi (SAR) did violate the SZBA Code of Ethics, and recommended a warning.

This level of sanction signifies that the respondent acknowledges the violation, and is committed to education and behavior change that will ensure future compliance with the Code of Ethics. This level of sanction is not publicly broadcast to SZBA membership. The sanction will last for one year, at which point the SZBA EC will review the case and either prolong the sanction, request additional terms, or end the sanction. The SZBA Board of Directors received a report and voted to accept the Ethics Committee's determination.

The committee found the following three standards from the SZBA Code of Ethics were violated:

*3a. Integrity (i): the SZBA member relationship with practice students and temple members is founded on deep trust and respect.*

The SZBA EC found that this clause was violated by SAR in their last in-person interaction, in which he requested she come in for dokusan, and used that encounter to cancel their repair and restore dialogue, and suggest that they have that dialogue in the formal setting. Although there may have been extenuating circumstances, that was not made clear to MC, and reads as an assertion of authority in a way that is not conducive to a repair and restore dialogue.

*3a. Integrity (ii): The authority of the Zen teacher carries with it an increased responsibility to avoid situations and actions that could result in harm to the student, the community, and/or the teacher.*

The SZBA EC found that this clause was violated by a broader pattern of behavior for which SAR bears ultimate responsibility. This began with monastic Kien's unwillingness to intervene during H's aggressive behavior. Zen Mountain Monastery staff then responded inadequately to MC's initial request for safety and accommodation in the aftermath of her negative interaction with H. Miscommunication between the ZMM training staff, SAR, and MC related to her attendance appears to have amplified the harm of this original interaction. SAR also appeared to favor H's mental health concerns, instead asking MC to absorb the difficulty of his presence and the institutional challenges associated with navigating that sensitive dynamic into her own practice. These findings all align with the results of the

original ZMM Ethics Committee review.

*4a. Self-Reporting (ii): Members shall provide SZBA immediate notice of any claim of unethical conduct made against them whether in their role as priest or any other role, regardless of degree of (in)formality of such complaint and regardless of the authority, court, organization, tribunal, or any other body notified.*

The SZBA EC found that this clause was violated by SAR not notifying the SZBA once MC's claim to the ZMM EC had been made, and especially after the ZMM EC had made its recommendations. For a temple as large, prominent and established as ZMM, there should be some institutional process that ensures compliance here.

The committee did not uphold an allegation of the following standards:

*1c. : The SZBA shall recognize the equality of women, nonbinary, Black/Indigenous people of color (BIPOC), and LGBTQIA+ people and work to ensure their full participation in the community, education, leadership, and programs.*

Although evidence gathered by the SZBA Ethics Committee to support this allegation was inconclusive, the review process nevertheless revealed concerns related to this section of the ethics code. These concerns are prompted both by the claimant's own belief that her mistreatment was related to gender bias, and by the results of the original ZMM ethics review. The ZMM Ethics Committee reported that they were "struck by [SAR's] centering of the male experience and needs" and identified SAR's "failure to center [the claimant's] experience as a woman fearful of male aggression." The recommendations of the present SZBA ethics review process will therefore include provisions designed to increase accountability and training related to this section of the SZBA ethics code.

*3e Confidentiality (i) : Members should treat the content of all spiritual conversations as confidential, except as may be required by law.*

The SZBA EC does not see the amount of information shared by SAR as a violation of this standard. Rather, it seemed to be well within what was fairly common knowledge amongst the community at that time, and reasonable to speak about as a way of offering perspective and context. Although information shared may have happened in dokusan, the behaviors discussed happened in public.

The SZBA Ethics Committee recommends a one-year sanction for SAR. At the end of the year, the Ethics Committee will look for progress on these three areas:

### **Making Amends**

The review of this claim by the SZBA Ethics Committee found that SAR fell short of the SZBA member standards in a number of ways, causing harm to the claimant and negatively impacting her experience with ZMM. The SZBA Ethics Committee recommends that the respondent offer an effective apology to the claimant that acknowledges responsibility for the harm done and details the ways this problem will be avoided in the future. The content of this apology might include the multiple communication failures among ZMM staff related to the

claimant's concerns, mismanagement of her expectations, the manner in which the needs of others were centered at the expense of the claimant's needs for safety and well-being, and SAR's failures to meet the claimant's distress with the appropriate level of sensitivity and compassion.

### **Reorganization Efforts**

The review of this claim identified concerns around how the current organizational structure of ZMM might negatively impact any internal ethics review process that involves SAR. As Abbot of ZMM and head of the Mountains and Rivers Order Board of Directors, most of the ZMM EC are his students. This could weaken the ZMM Ethics Committee, potentially leading to bias and a lack of accountability in their process. A stronger, more independent structure would ensure that there are non-MRO students also on the ZMM EC.

The SZBA claim review additionally found no formal mechanism for ensuring that the recommendations associated with a ZMM ethics inquiry be followed or communicated effectively.

The SZBA Ethics Committee therefore recommends that the ZMM Ethics Committee and claim review process be reorganized in such a way that minimizes the opportunity for bias in this regard and allows for organizational accountability after ZMM Ethics Committee recommendations have been issued. SAR might consider consulting with an outside ethics professional to ensure that this reorganization minimizes or eliminates these concerns.

### **Training Opportunities**

The review of this claim found multiple opportunities for professional and organizational development around important topics such as power dynamics, boundaries, and unconscious bias. The SZBA Ethics Committee therefore recommends that SAR and his leadership team increase training related to these topics. We acknowledge that SAR has already appeared to meet the recommendations made by the ZMM EC on this topic.