

# Code of Ethics

## **1. Preamble**

Those in leadership roles within OMZB (teachers, practice leaders, and management committee members), together with the members of the Group at large, recognise the need for high ethical standards to be the foundation for teaching, practice, organisational processes, and all our relationships within the group. We recognise the need for those standards to be explicit and for appropriate ethical guidelines and grievance procedures to be available. This Code of Ethics seeks to codify the core ethical responsibilities of everyone who practices within the group, assumes leadership roles, or are teachers.

We recognise at the heart of our organisation the pervading principle of the Three Pure Precepts:

Not to create harm.  
To practice good.  
To actualize good for others.

We recognise that our ability to live up to the highest standards may not always be perfect, and we rely on: the compassionate guidance of these principles; our core practice of honest self-reflection; the discernment and counsel of others; and our commitment to embody the higher values of Wisdom and Compassion in our dealings with one another and in our stewardship of the group.

To that end, we undertake the following.

## **2. Openness and Non-discrimination**

We seek to avoid discrimination, explicit or implicit, on the basis of difference, including age, race, gender identification, level of ability, sexual preference, religious or cultural background, or parental status. We will make reasonable accommodations to assist or enable participation in our activities.

### **3. Mutual Respect and Safety**

We acknowledge that Right Speech and Right Conduct are core values, and undertake to foster an environment of mutual respect and safety, free from bullying, harassment, verbal or physical threat or abuse. Mutual respect is an essential foundation for sound practice. Group members should treat one another with respect and engage with others honestly and compassionately and with a positive intention. Group harmony is promoted when leaders model, and all members observe, the precepts regarding right speech: refraining from lies, self-serving talk, slander, angry or abusive speech, and apportioning blame.

### **4. Stewardship and Administration**

Respecting and protecting Dharma assets, we recognise the legal responsibilities imposed on us by the Associations Incorporation Act 1983 (as amended) and its Regulations and by the Rules of Ordinary Mind Zen Brisbane Inc. Members of the group who serve in management and stewardship roles should act strictly in accordance with these responsibilities and work solely in the best interests of the group and its members in administering group resources, without promoting their own personal interests or seeking personal gain. They should be aware of and declare any conflicts of interest, and should strive to implement informed, transparent, consultative and accountable processes in the management of finances and in guiding important decision making processes.

### **5. Confidentiality and Privacy**

(1) In the administrative processes of the group, members' personal information (including but not limited to personal details, financial status, private communications etc) shall be treated confidentially. Information about a member will be shared only to the extent necessary for the efficient administration of the group and its processes on a "need to know" basis.

(2) We recognise that at times Zen practice involves significant personal self-disclosure, to the teacher in the course of interviews or in other teaching settings, or in the Zendo during practice discussions or other practice processes. Sensitive personal disclosures in interviews should be treated confidentially by the teacher. Personal disclosures made in group practice settings will be respected and treated as private by those present. Confidentiality, however, may be limited by Queensland and Australian law where requirements for legal reporting exist. Confidentiality may also be

broken if there is a danger of serious physical harm to a member or another person.

## **6. Teachers**

(1) We recognise that teachers are accorded a special position of respect and authority within the group, and that this carries with it heavy demands and fundamental obligations and responsibilities. Teachers should aspire to continuous practice of honest self-reflection and should engage in self-monitoring and self-care. Occupying the role of teacher can subtly undermine a healthy sense of humility. In turn, a lack of humility can impair the ability to grow fully as a person and as a teacher. For that reason, teachers should balance their teaching role with sincere practice and study of the Dharma, leisure interests, engagement with family or friends, and sabbaticals from teaching when appropriate. It may be useful for a teacher to establish a relationship of confidence with another teacher, so they can together discuss and reflect on their work as teachers.

(2) The Rules of Ordinary Mind Zen Brisbane specify the processes of appointment, reappointment, suspension or removal of a teacher and permit the group to impose specific conditions and requirements on a teacher. Here, we explicitly state that any person appointed to a teacher role within OMZB shall, as a condition of appointment and continuation, be expected to meet high standards of ethical conduct in their dealings with members and in their other activities within and outside the group.

(3) Teachers should act in accord with the principles set out in this Code, paying particular attention to respect for individuals, confidentiality, and the modelling of appropriate standards of ethical speech and behaviour.

(4) Teachers should always seek to act in the best interests of each student and avoid discrimination or favouritism.

(5) Teachers have an obligation to educate themselves about the subtle power issues that inhere in the teacher role, as well as the potential effects of that power and its exercise on both teachers and others.

(6) Teachers should not violate trust or use power or position for personal gain or self-satisfaction in the course of their teaching, by crossing personal, physical, or sexual boundaries that might constitute exploitation or abuse. A teacher should ensure that teaching settings such as interviews are safe

places and the locus only for legitimate teaching interactions. The ultimate responsibility for maintaining appropriate and clear boundaries between teacher and student always rests with the teacher, and failure to maintain appropriate boundaries constitutes a serious ethical breach.

(7) Any member who believes that an ethical breach by a teacher has occurred should inform the management committee. In response, and following the process set out in the Grievance and Resolution procedure (Part 7, below), the Committee should conduct a review to consider whether a teacher's behaviour has been ethical, given all the circumstances, and how the behaviour might impact the immediate parties and the group generally. If an ethical breach is found to have occurred, the Management Committee should determine what actions should be taken.

(8) As set out in the Rules of OMZB, the Management Committee has at its disposal a wide range of actions, including but not limited to imposing conditions on a teacher, suspension, or dismissal. In such matters it may wish to consult with other teachers within the Ordinary Mind School, other Zen teachers, or other professionals. At the end of any ethical review where a breach is found to exist, the members of the group should be informed of the circumstances and outcomes of the review and actions the Management Committee has taken.

(9) As set out in the Rules of the Group, any appeal against a decision of the Management Committee shall be determined by General Meeting of members, whose decision is final.

## **7. Grievance and Resolution Procedure**

As a result of Queensland Government changes to the Associations Incorporation Act, its Regulations and Model Rules, OMZB has adopted the default Grievance Procedure as set out in the Act and Model Rules. The Model Grievance Procedure, which is now in force, can be found at Sections 12A, 12B, 12C, 12D, 12E, and 12 F of the Model Rules at the following site:

<https://www.publications.qld.gov.au/ckan-publications-attachments-prod/resources/9a54beb5-8288-4ddd-847b-459a97822119/model-rules-of-version-8-01.08.2024.pdf?ETag=351ef21844c099861432b4235da27616>

The following is an extract from the Model Rules of the relevant Grievance Procedure that is now in force for OMZB.

## **12A Grievance procedure**

- (1) This rule sets out a grievance procedure for dealing with a dispute under the rules between parties as mentioned in section 47A(1) of the Act.
- (2) To remove any doubt, it is declared that the grievance procedure can not be used by a person whose membership has been terminated if the rules provide for an appeal process against the termination.
- (3) A member (the aggrieved party) initiates the grievance procedure in relation to the dispute by giving a notice in writing of the dispute to—
  - (a) the other party; and
  - (b) if the other party is not the management committee—the management committee.
- (4) If 2 or more members initiate a grievance procedure in relation to the same subject matter, the management committee may deal with the disputes in a single process and the members must choose 1 of the members (also the aggrieved party) to represent the members in the grievance procedure.
- (5) Subject to rule 12B, the parties to the dispute must, in good faith, attempt to resolve the dispute.
- (6) If the parties to the dispute can not resolve the dispute within 14 days after the aggrieved party initiates the grievance procedure, the aggrieved party may, within a further 21 days, ask the association's secretary to refer the dispute to mediation.
- (7) Subject to rule 12B, if the aggrieved party asks the association's secretary to refer the dispute to mediation under subrule (6), the management committee must refer the dispute within 14 days after the request.

- (8) If the aggrieved party does not ask the association's secretary to refer the dispute to mediation under subrule (6), the grievance procedure in relation to the dispute ends.

## **12B Grievance procedure not continued in particular circumstances**

- (1) This rule applies if—

(a) a member initiates a grievance procedure in relation to a dispute and the association or association's management committee is the other party to the dispute; or

(b) the aggrieved party asks the association's secretary to refer the dispute to mediation under rule 12A(6).

- (2) The management committee does not have to act under rule 12A(5) or (7) if—

(a) the aggrieved party has, within 21 days before initiating the grievance procedure, behaved in a way that would give the management committee grounds for taking disciplinary action under the rules against the aggrieved party in relation to the matter the subject of the grievance procedure; or

(b) before the grievance procedure was initiated, a process had started to take action under the rules against the aggrieved party or terminate the aggrieved party's membership, as provided for under the rules, and the dispute relates to that process or to a matter relevant to that process; or

(c) the dispute relates to an obligation under the Liquor Act 1992 or any other State law to prevent the entry of the aggrieved party to, or to remove the aggrieved party from, premises used by the association, or to refuse to serve liquor to the aggrieved party at the premises; or

(d) the dispute could reasonably be considered frivolous, vexatious, misconceived or lacking in substance, or relates to a matter that has already been the subject of the grievance procedure.

## **12C Appointment of mediator**

- (1) If a dispute under rule 12A is referred to mediation—
  - (a) the parties to the dispute must choose a mediator to conduct the mediation; or
  - (b) if the parties are unable to agree on the appointment of a mediator within 14 days after the dispute is referred to mediation, the mediator must be—
    - (i) for a dispute between a member and another member—a person appointed by the management committee; or
    - (ii) for a dispute between a member and the management committee or the association—an accredited mediator or a mediator appointed by the director of a dispute resolution centre.
- (2) An accredited mediator may refuse to be the mediator, or the director of a dispute resolution centre may refuse to appoint a mediator, to mediate the dispute.
- (3) If subrule (2) applies, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

## **12D Conduct of mediation**

- (1) If a mediator is appointed under rule 12C, the mediator must start the mediation as soon as possible after the appointment and try to finish the mediation within 28 days after the appointment.
- (2) Subrule (1) does not apply if the mediator is a mediator appointed by the director of a dispute resolution centre.
- (3) The mediator—
  - (a) must give each party to the dispute an opportunity to be heard on the matter the subject of the dispute; and
  - (b) must comply with natural justice; and

(c) must not act as an adjudicator or arbitrator; and

(d) during the mediation—may see the parties with or without their representatives, together or separately.

(4) The parties to the dispute must act reasonably and genuinely in the mediation and help the mediator to start and finish the mediation within the period mentioned in subrule (1).

(5) The costs of the mediation, if any, are to be shared equally between the parties unless otherwise agreed.

(6) If the mediator can not resolve the dispute, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

## **12E Representation for grievance procedure**

(1) A party to a dispute may appoint any qualified person to act on behalf of the party in the grievance procedure.

(2) For subrule (1), a person is qualified to act on behalf of a party if the person—

(a) has sufficient knowledge of the matter the subject of the dispute to be able to represent the party effectively; and

(b) is authorised to negotiate an agreement for the party.

(3) If a party appoints a person under subrule (1) to act on the party's behalf, the party must give written notice of the appointment to each of the following entities—

(a) the other party to the dispute;

(b) the management committee;

(c) if a mediator has been appointed before the party appoints the person—the mediator.



## **12F Electronic communication for grievance procedure**

Any meeting or mediation session required under the grievance procedure may be conducted by electronic means if the parties to the dispute and, for a mediation, the mediator agree.