

# ETHICAL AND DEONTOLOGICAL CHARTER

Version: 12-03-2021 revision by the Ethics Committee

## Cross-Border Behavior and Abuse in Buddhist Communities

### **1 The determination**

Cross-border behavior and abuse can take different forms - economic, physical, psychological, sexual, institutional and structural.

We realize that in the spiritual context forms of transgressive behavior and abuse can occur. However, it is essential that every practitioner can meet the Dharma in a respectful, safe and caring environment.

Therefore, anyone who is responsible for the administration or teaching of the member associations of the Buddhist Union of Belgium must ensure that everyone respects the current ethical and deontological charter. It is based on the need to avoid all suffering and to promote concern for the well-being of the other.

The statutes of the BUB require every member association to ensure respect for this charter within its association and for every teacher to conform their behavior to it. In addition, the Buddhist Union of Belgium makes counselors available to practitioners who would like a conversation outside their own community or a follow-up by the Ethical and Deontological Commission of the Buddhist Union of Belgium in general.

## 2 General Policy of the Buddhist Union of Belgium

The policy deals with three domains: a quality policy, a prevention policy and a handling procedure in case of notification.

### 2.1 Quality policy

- a. Periodic deepening of the current charter thanks to the contributions of the associations
- b. Polling and checking the general situation.
- c. Promote best practices with the member associations of the European Buddhist Union
- d. Question and evaluate historical, cultural and social narratives that establish or legitimize behaviors that can cause suffering.
- e. Call on the advice of independent, external experts

### 2.2 Prevention policy

- a. Make the membership of the associations at the BUB and the appointment as Buddhist consultant dependent on the signing of the current charter.
- b. Organization of training and the provision of information on the problem of unacceptable behavior and abuse with, among other things, training courses, forums and exchange of good practices for the benefit of the managers of the associations.
- c. Encourage associations to organize an internal debate on this issue and to make the following information available in their premises and on their website:
  - o the text of the current charter
  - o the contact details of the contact persons of integrity of the association and those of the confidential counselors of the BUB.
- d. The associations that request this help to put in place adequate mechanisms to guarantee vigilance and to draw up internal regulations for this purpose.
- e. Publish the contact information on the website of the BUB of independent and external specialized hotlines.
- f. Publish the contact information on the website of the BUB of contact persons for integrity (M and F) in each of the 3 language areas of Belgium.
- g. Maintain a list of qualified therapists and services.

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<sup>1</sup> the English “narrative”: a set of dominant stories, beliefs and arguments within a group or community, which justify a (subjective) representation of reality. This performance aims to strengthen the identity, cohesion and interests of the group, the community or its leaders. Connotations: Fables, Stories, Myths, Fiction.

## 2.3 Handling procedure for notification

A. As soon as unacceptable behavior or abuse is brought to the attention of the BUB or when there are serious indications of such behavior, the decision-making bodies of the BUB instruct the Ethics and Deontological Committee to:

1. hear the supposed victim;
2. to consult the managers of the association concerned;
3. take the necessary measures to ensure the integrity of every person concerned;
4. to initiate an information round to inform the board of directors in the short term so that it can assess it
  - i. what initiatives can be considered to provide the victim with appropriate assistance in her or his specific situation;
  - ii. what steps should be taken with regard to the perpetrator and the association concerned;
  - iii. whether there is a potential risk of criminal offense, and thus whether or not it is necessary to inform the police of the facts if the victim were to refrain from doing so;
  - iv. or, in the event of a criminal offense, whether or not it is appropriate to reverse the resignation.

B. In case of criminal complaint, without prejudice to the presumption of innocence, but as a precautionary measure, stipulate contractually the obligation - for the Buddhist consultant paid by the State - to immediately resign from his duties.  
Encourage associations to adopt the same rule with regard to their teachers or counselors who are active as volunteers or whose remuneration is not covered by the State.

C. If the perpetrator and / or the association on which he depends disputes the decisions of the board of directors of the BUB, they have the option to invoke the arbitration of the general meeting. He will then appoint the members of a special committee within the BUB so that it can draw up a report for the general meeting.

## 3 Cross-border behavior and abuse

### 3.1 Introduction

Cross-border behavior and abuse is a broad social phenomenon. It usually takes place within the family, but also occurs in institutions, organizations, (sports) associations or in the work environment. Philosophical environments are also not spared.

**ABUSE:** any form of unacceptable behavior, in a verbal, non-verbal or physical sense, whether intentional or unintentional, for which there is no mutual consent, and / or which has been coerced in some way, and / or where the victim is a minor or is in a dependent relationship.

The spiritual environment has some typical characteristics that can give rise to the emergence and perpetuation of transgressive behavior or abuse (position, charisma and 'loneliness' of the companion, vulnerability and devotion of the companion, intimacy of the accompanying relationship, depth of the spiritual growth process that affects many aspects of the person, etc.).

Cross-border behavior and abuse:

- causes a lot of pain, suffering and negative effects for those involved and their community;
- cannot be reconciled with the ethical precepts of the Buddhist tradition, which imply that relationships should neither harm third parties nor themselves;
- usually indicate a structural problem within the community (ignorance, denial, unclear internal communication, rumors, putting the facts into perspective, secrecy, etc.).

Discernment is necessary in judging the behavior of a Buddhist teacher. While it is important to preserve the nature of Buddhist teachings, especially to expose the egocentric tendencies of the mind, it is helpful to emphasize that abuse can never be called Buddhist teachings. In the event of a report to a contact person for integrity of the BUB of possible violations of the current charter, the Ethics Committee will be consulted to qualify the reported facts.

## 3.2 Forms of Abuse

### Preface

A relationship can be violent and manifest as abuse as a result of sexual or physical violence. It can also involve emotional, financial, social, institutional and spiritual abuse. Abuse can occur from spiritual and administrative responsible persons to community members as well as from community members to responsible persons. The administrators undertake to consider any situation of abuse against any person who is a member of the Sangha, including volunteers, teachers or employees.

There are secular practices (upayas) in various traditions that can be viewed as violent or abusive - for example, the use of kyosaku (awakening stick) in Zen Buddhism - but, on the contrary, are directly inspired by wisdom and compassion.

Such practices can be perceived as violent, especially by Western trained therapists, although they are essentially driven by compassion. It is important to understand and explain that the Dharma context and the therapeutic context are radically different.

**Multiple Responsibilities:** The fact that a controller performs different functions ("double, triple ... cap") can lead to negative consequences for the individuals involved and the Sangha as a whole. Taking up the roles of both spiritual guide and therapist for the same person at the same time can, in the case of a teacher, for example, complicate the student-teacher relationship, confuse the mind, and undermine the harmony of the Sangha. Teachers must remain vigilant, aware of their limitations, and think carefully about the consequences and dangers of the multitude of roles that a responsible person exercises. These include: romantic relationships (see: 3.3.2 Precautionary principles), financial relationships (see: 3.7 Financial abuse), intimate friendships, therapeutic and professional relationships.

## 3.3 Sexually transgressive behavior and abuse

### 3.3.1 Definitions<sup>2</sup>

#### What is sexually transgressive behavior?

Sexually transgressive behavior: any form of sexual behavior or sexual advancement, in a verbal, non-verbal or physical sense, where one or more of the following six criteria are not met: mutual consent, voluntariness, equality, appropriate to the context, appropriate with age or development and self-esteem.

#### What is Sexual Abuse?

Sexual abuse is any form of sexually transgressive behavior, in a verbal, non-verbal or physical sense, whether intentional or unintentional, for which there is no mutual consent and / or which has been coerced in some way, or when the victim is less than 14 is years old and / or younger than his or her partner at most 5 years (Belgian law of 2018) or in a dependent relationship.

#### What is grooming?

Grooming is the process in which the perpetrator isolates his victim and consciously prepares it for the abuse. The perpetrator slowly tries to gain the trust of his victim and systematically blurs the boundaries between perpetrator and victim. That process can take weeks, months and even years. The perpetrator tries to get closer step by step to make secrecy possible. The grooming process is insidious because it will make it appear that the victim "cooperates voluntarily" in the abuse.

The three definitions are derived from the International Center for Ethics in Sport vzw (ICES), an organization recognized by the Flemish Minister of Sport for policy support and practice development in the field of ethical sports. See: <http://www.ethicsandsport.com/>

See also: <http://voicesfortruthanddignity.eu/be/information>

### **3.3.2 Precautionary principle**

In the teaching relationship there is no “equality of persons” since they do not exercise the same responsibilities and the teacher is in a position of power. Therefore, any initiative of seduction and sexual behavior is inappropriate for the teacher.

The teacher is a “spiritual friend” who gives direction to the members of the Sangha, who encourages and protects them. Aware of his role and responsibility, he has impeccable behavior in his relationship with his students, without ambiguous or inappropriate words.

Nor does he ask them indiscreet questions or entrust them with misplaced confidential statements. Even if the individuals involved share a sense of equality, and even if the initiative is taken towards the learner's rapprochement, any sexually oriented relationship between a teacher and a student is such as to jeopardize and jeopardize the proper course of the teaching relationship. suffering for the two persons, for every other person involved and even for the entire Sangha.

Therefore, the teaching relationship should be suspended as soon as an intimate relationship is established between the teacher and any of the practitioners towards whom he is exercising a responsibility. It is then up to each association to explore the possibility of reestablishing the teaching relationship and to determine the appropriate modalities to ensure the well-being of the individuals involved and of the community as a whole.

### **3.4 Physical violence**

Violence against the physical integrity of the victim and of beings or objects dear to him.

### **3.5 Psychological abuse**

Psychological abuse can be just as destructive and harmful as physical abuse and can have serious consequences for mental health. It is often used as a way of maintaining power and control over someone.

That being said, there can be emotional abuse in the form of:

- verbal abuse: insulting, swearing, intimidating, accusing or threatening; as well as lying, gossiping, bullying, defaming, expressing and / or spreading suspicions; disseminating unilateral writings and publications: eg sending emails about someone without that person's knowledge, or using derogatory language on social networks;
- rejection: constantly rejecting thoughts, ideas and opinions without justification;

### 3.6 Social abuse

Social abuse is the prevention of contact with family members, friends, service providers and other people or limiting the activities of the person, thereby increasing the feeling of isolation.

Beyond the context of strict retreats, which can take place individually or in groups, where disciples agree to live in isolation from the outside world, social abuse can include:

- locking a person in his or her house or room against his will;
- preventing a person from opening the door to a third party;
- denial of access to transport or to means of communication;
- to hold meetings about someone without that person being notified or invited, or briefed or receiving a report;

### 3.7 Financial abuse

Someone close to the victim controls his / her finances and access to money and keeps him / her financially dependent.

Persons in power within the Sangha should not personally solicit significant donations.

On the other hand, generosity should not become a source of power or manipulation.

### 3.8 Institutional Abuse

Since a Sangha has a hierarchical structure almost by definition, it is necessary to be vigilant about potential for institutional abuse. Realizing that the structure of the Sangha does not necessarily coincide with the legal framework of a non-profit association, the following aspects deserve special attention:

**Confidentiality.** The relationship between students and teacher often involves the sharing of sensitive, personal information. This requires the teachers to keep such information confidential out of respect for the students and the relationship.

For the benefit of certain individuals and of the Sangha, in exceptional cases teachers should be able to discuss such confidentialities with other teachers, trainee teachers, the chairman, or, as the case may be, with experts. In such circumstances, teachers should endeavor to keep their discussions confidential. The other responsible parties also commit themselves to this.

**Accountability and governance.** Maintaining the welfare of the Sangha is the collective responsibility of all members. Teachers also take responsibility for advancing the goals of accountability and transparency, including finance, decision making and complaint handling including ethical issues.

**Transparency.** Transparency is crucial to maintain balance and harmony within the Sangha. Teachers are alert to potential conflicts of interest between students and other members of the Sangha and make every effort to avoid them. Any significant conflict of interest will be immediately communicated to the leaders of the Sangha.

### 3.9 Spiritual Abuse

Spiritual abuse prevents you from having your own opinion about religion, cultural beliefs and values. This abuse can happen on the basis of religious arguments (eg karmic effect).

Cultivating feelings of superiority of one's own Buddhist tradition or of Buddhism in general should be avoided. Persons of other religions or philosophical traditions should feel welcome to practice within the Buddhist Sanghas.

A teacher can use strong speech or actions as a learning tool. However, this should not be used in a systematic way and should be handled with wisdom, compassion and care.

### 3.10 Situation of the volunteers

Volunteering is important within our Sanghas. It is a valuable tool for the development of Buddhist associations and for the personal development of the volunteers. However, there is a risk of misuse.

Volunteering must be structured to avoid any kind of exploitation. This can be done, for example, by establishing work periods and free time for volunteers so as not to overburden them. It also protects them from their own enthusiasm that could lead to subsequent exploitation. There can be no regular voluntary work for the personal enrichment of a controller. Nor do volunteers use their work to gain power in the community.

## **SPECIFICALLY ABOUT THE ROLE OF TEACHER**

Teachers and spiritual counselors recognize that their role inevitably gives rise to a power disparity in their relationships with students and other Sangha members and therefore their words and actions can carry great weight. Teachers should be especially aware of the potential for subtle abuse of power on their part.

Teachers must not abuse their power and / or position. The ultimate responsibility for maintaining appropriate and clear boundaries between teacher and students always rests with the teacher. When using competences that exceed the expertise of the teacher, he / she will refer the students to the appropriate expert (in the field of eg mental health care, medicine, jurisprudence).

Embodying the role of a teacher can subtly undermine a healthy sense of humility. A lack of humility, in turn, can weaken the ability to honor and live up to the totality of responsibilities as a teacher.

Teachers watch over it

- take care of oneself on a physical, psychological and spiritual level,
- to do self-examination. They seek to maintain a balance between their role as teachers on the one hand and their involvement in their own, regular practice, their study of the Dharma, their leisure time and their family responsibilities on the other.

## **SPECIFICALLY ABOUT EMPLOYEES AND THE PSYCHOSOCIAL RISKS AT WORK**

If persons within the structure of an association are employed as employees, they and their employer are subject to the welfare law by virtue of the employment contract.

Chapter Vbis of the law of 4 August 1996 on the well-being of employees in the performance of their work (BS 18.9.1996) establishes a general framework for the prevention of psychosocial risks at work, including stress, violence, bullying and unwanted sexual behavior at work.

Violence, bullying and sexual harassment at work are an integral part of psychosocial risks at work and are thus addressed through the general framework of prevention of psychosocial

risks at work. Section 2 of Chapter Vbis pays attention to these specific risks (in particular Art. 32ter).

The last change to this legislation was made through the laws of February 28, 2014 and March 28, 2014.

See: The coordinated text of the amended articles of the Act of 4 August 1996 on the well-being of employees in the performance of their work (PDF, 597.38 KB)

See also: <https://werk.belgie.be/nl/themas/welzijn-op-het-werk/psychosociale-risicos-op-het-werk/wettelijke-bepalingen>