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*April 2015*

This newsletter is intended for teachers, leaders, and practitioners in all Buddhist traditions. While *An Olive Branch* is a project of the Zen Center of Pittsburgh, people from all traditions, other spiritual organizations, and secular groups turn to us for help with governance issues and conflict resolution.

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## *Creating a Strong, Safe Sangha*

Buddhist groups in the United States are not any more immune from conflict and misconduct than any other spiritual or religious group. In spite of the ancient Buddhist values of peace-making and the clear guidance of the precepts, people - spiritual leaders and students alike -- still behave badly, hurt one another, keep secrets, and take advantage of power.



While it is impossible for human communities to function entirely free of conflict and misconduct, there are ways to reduce the chaos and long-lasting damage to individuals and organizations caused by conflict and misconduct. On the one hand, organizations need a strong governance structure that includes up-to-date bylaws, a balance of power, robust ethics statement, and ongoing sangha education. On the other hand, sanghas need ways to cope with conflict and misconduct when they arise - a crystal clear grievance procedure, whistleblower policy, and people trained in effective conflict resolution.

Since January, *An Olive Branch* has been offering free webinars to increase awareness and adoption of strong governance practices and ethics statements within Buddhist communities in the U.S. The last webinar in the series, May 5, 2015, is intended as a capstone - bringing key elements of the previous three webinars together into an integrated whole.

## ***Webinar Date, Presenters, and Registration Link***

The webinar is set for May 5, 2015, 2:00 - 3:00 p.m. Eastern Daylight Time. The presenters are:

- Rev. Kyoki Roberts: Founder of *An Olive Branch* and former Head Priest at the Zen Center of Pittsburgh.
- Katheryn Wiedman, Ph.D., co-director of *An Olive Branch* and BoardSource Certified Governance Trainer.

Kyoki and Katheryn will present and discuss a framework for governance practices that reduce the incidence and severity of conflict and a method of handling conflict effectively when it arises. This session is the last in the series on Ethics in U.S. Buddhist Groups and will tie together the themes developed in previous sessions.

- Questions may be posed in advance by writing to Leslie Hospodar: [leslie@an-olive-branch.org](mailto:leslie@an-olive-branch.org).
- [An Olive Branch website](#)
- Click [here](#) to register



## ***Continuing the Series on Board Governance***

In January in this newsletter, we launched a new series on board governance. At *An Olive Branch*, we assert that the incidence and effects of conflict, misconduct, and other dysfunctions in organizations can be reduced when these organizations have a healthy governance system and well-communicated policies. Further, organizations with healthy board governance are generally successful, resilient, and just plain enjoyable for everyone involved.

Last month, the focus was on the board's responsibility to ensure adequate resources. Previous newsletters (topics on mission/vision/values and effective planning) may be found [here](#).

Now we turn our attention to the board's responsibility to relate to the chief executive - a responsibility that is confounded by ambiguous and confusing roles. In the American Buddhist environment, defining authority is one of the most intricate of governance issues.

## ***A Situation Ripe for Confusion***



Consider the following scenario, taken from the Zen tradition but probably applicable to other traditions:

In a Zen temple, novice priests (and sometimes laity in temples outside of Japan) are assigned to a *ryo* - a traditional training position where first the novice monk is trained how to do a particular task followed by a period where they teach a junior priest. The novice monk then moves to a different *ryo* to learn that particular temple maintenance position. Traditional training *ryos* are

cook, abbot and guest care, altar care, service bells, office management, and building and grounds maintenance. Once a novice has completed training in each of these areas and taught junior monks in each one, the novice priest has completed his or her basic monastic training. All the training is supervised by the head priest. Throughout this training, two things are at work simultaneously: a) learning to do an essentially secular task and b) doing it as a spiritual practice dictated by the Head

Priest.

Thus the pattern for role confusion in a U.S. Buddhist nonprofit is established. When these new priests start their own temples, they have been trained to be totally in charge of everything. They not only guide the spiritual development of their students, they also direct the secular tasks of temple management. They see a whole responsibility and have not been trained to work within the democratic structure of a nonprofit where the ultimate responsibility for the organization rests with the board of directors.

Another confounding aspect of role confusion is when novice priests and lay students become board members in an organization led by the head priest: the teacher/student relationship flips. As board members, the students are no longer under the direction of the head priest. They are independent fiduciaries for the organization – and many do not understand their responsibilities.

Unfortunately then, it often happens that neither the spiritual leader nor the board members have been trained in nonprofit governance – a situation ripe for confusion.

## ***Board Responsibility: Relate to the Chief Executive***

It may come as a surprise to some readers, but if an organization is granted 501.c.3 status by the U.S. Internal Revenue Service, the board is actually the legal entity that has the authority and responsibility to engage, support, evaluate, and terminate the chief executive.

The question of WHO the chief executive is in a Buddhist organization may require some careful thinking. Consider that the [head priest, abbot, lama, rinpoche, khenpo, etc.] is the organization's spiritual leader and is responsible for the spiritual practice that takes place in a particular organization. And, in most cases, the spiritual leader is also the chief executive of the organization, responsible for the secular operations of the nonprofit.

While there is no standardized list of the major functions of a "chief executive," the following [responsibilities](#) are typically part of the job description:

- "1. Board Administration and Support...
2. Program, Product and Service Delivery...
3. Financial, Tax, Risk and Facilities Management...
4. Human Resource Management...
5. Community and Public Relations...
6. Fundraising (nonprofit-specific)..."

When a spiritual leader functions in the areas described above, s/he is working as a chief executive. When one individual is both the spiritual leader and the chief executive, the plot thickens. And thickens even more when that person is also the organization's founder. The balance of power can shift dangerously to the point where the board is simply a rubber stamp for whatever that powerful individual decides. Further, as we have discussed in previous newsletters, when students of the spiritual leader are also board members, their independent judgment is particularly likely to be compromised because they have been trained to defer to the spiritual leader.

Some organizations have taken steps to create a balance of power and restore legal authority to the board. They have worked to define and clarify the function and responsibilities of the spiritual leader and of board members. They have also considered the role of the spiritual leader on the board: is that person an *ex officio* board member? Does s/he have a vote? [See the Question of the Month article]. These functions and responsibilities should be spelled out in the bylaws.

To be clear, the board is responsible for engaging, supporting, evaluating, and terminating the chief executive. The board cannot remove the spiritual leader's Buddhist credentials. But the board has the legal authority to hire and fire a particular person from the 501.c.3 nonprofit organization regardless of whether that person is the spiritual leader, founder, or chief executive. In other words, the board is where the "buck stops." The board is bound by its fiduciary duties to care for the life of the organization, not to do everything a powerful spiritual leader may dictate.

## ***A Collaborative Model of Governance***



The article above is not intended to pit the board against the spiritual leader - only to make the board's authority and responsibility clear. The spiritual leader must be recognized for the distinctiveness of his/her responsibilities in the life of the organization - he/she is at the center of what constitutes the organization's purpose. At the same time the spiritual leader in a U.S. 501.c.3 organization is responsible for allowing direction from the board when the hierarchical positions are reversed.

We recommend that the board and the spiritual leader discuss these often murky relationships in a relaxed, open setting before conflict arises and then make sure the bylaws specify the relationship. Monastic training in the U.S. needs to include the nuances of working for a board of directors and boards of directors need to seek governance training.

## ***Who Owns a Nonprofit Organization?***

In the United States, a nonprofit organization, even a religious one, is owned by everyone and by no one. It is NOT owned by its founder, head priest, or chief executive. Neither is it owned by the board of directors. No one person or group of people can own a nonprofit. It is a public organization that belongs to the public at large. The board is responsible for operating the organization for the stakeholders and has significant legal and ethical duties that cannot be delegated.



## ***Question of the Month***



**Q:** *What does ex officio mean? What about voting?*

**A:** The Merriam-Webster Dictionary defines *ex officio* as "because of your job, office, or position." If someone serves on a board or a committee *ex officio* it means that they were not elected or appointed to serve. Often the chief executive serves on the board and committees *ex officio* - by reason of their job.

People serving *ex officio* are not subject to term limits since they are not elected. Their term on the board ends only when they leave their position - and then they usually are replaced by the next person who holds that position.

Many people think that *ex officio* means that the individual does not have voting rights, but the two concepts are not related. Individuals serving *ex officio* may or may not have voting rights. The voting status of *ex officio* members should be spelled out in the bylaws.

Please remember,

YOU are invited to submit questions related to boards/governance or conflict resolution simply by emailing them to [katheryn@an-olive-branch.org](mailto:katheryn@an-olive-branch.org). All questions will be answered via individual email; some may be selected for this newsletter - without the asker being identified. If you have a question or board issue and just want someone to talk it through with confidentially, please call 412-99-OLIVE (412-996-5483) or send email. There is no charge for these conversations.

***An Olive Branch strengthens organizations by helping leaders understand the role of conflict in organizational health.***

- *To proactively address conflict, we offer dispute resolution training and help organizations design ethical governance procedures.*
- *To respond in the midst of disruptive conflict, we provide processes for healing and restoring harmony.*

*An Olive Branch brings the calming influence of a neutral third party, inspired by the tradition of Buddhist teaching that stretches over 2500 years.*

[More information](#)

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