

SERVING WISELY IN COMPLEX CONCILIATION CASES

Ted Kober, Ambassadors of Reconciliation
Allison Pickering, Crossroads Resolution Group, LLC
Ken Sande, RW360

Downloadable Pdf at www.rw360.org/complex-cases

Summary: Traditional conciliation processes and practices that work well for most conflict situations may not be appropriate or effective in cases involving complex issues, such as power imbalances or abuse. Some complex cases may be effectively handled by well-trained conciliators or by involving professionals with special expertise. However, conciliators should always recognize the limits of their own training and experience and know when it is appropriate to seek assistance or refer a case elsewhere.

1. Complex Situations Require Special Care

- a. Crisis situations (family, financial, employment, public scandal, etc.)
- b. Culturally and emotionally charged conflicts (politics, race, pandemic issues, etc.)
- c. Divorce (custody and visitation, property settlement, marital support)
- d. Power imbalances (personality, verbal skills, position/authority, credentials, etc.)
- e. Abuse (emotional, physical, domestic violence, sexual, elder, spiritual, bullying)¹
- f. Emotional or psychological trauma
- g. Complex legal or high stakes issues (money, reputation, employment, etc.)
- h. Tax issues (sales of stock or assets, real property, debt forgiveness, etc.)
- i. Possible termination of employment
- j. Allegations of criminal misconduct (fraud, embezzlement, theft, assault, etc.)
- k. Addictions and substance abuse
- l. Faith or denominational differences (e.g., Christian/non-Christian)
- m. Mental health challenges (e.g., neurological, disorders, illnesses, prior injury, etc.)
- n. Physical disabilities
- o. Cultural differences inherent between parties or with conciliator
- p. Spiritual warfare

¹ For the purposes of this workshop, we are defining “abuse” as a pattern whereby a person in a position of authority or trust uses that position to domineer and control others through behaviors such as grooming, manipulating, shaming, dismissing, bullying, threatening, intimidating, humiliating, degrading or insulting. See www.rw360.org/abuse-defined.

2. Essential Character Qualities in a Conciliator

- a. See [Peacemaker's Pledge](#), [Portrait of a Peacemaker](#) and [Peacemaker's Prayer](#)
- b. Love (Matt. 22:37-40)
- c. Humility (James 3:13)
- d. Shrewdness (Matt. 10:16)
- e. Innocence (Matt. 10:16)
- f. Prudence (Prov. 22:3)
- g. Wisdom (James 3:17)
- h. Discerning and protecting others' interests (Phil. 2:3-4)
- i. Courage (1 Cor. 16:13)

3. Never Underestimate the Power of the Gospel and the Means of Grace

- j. Ephesians 2:13-16 - Jesus delights to destroy barriers and dividing walls
- k. 2 Corinthians 10:4-5 - The weapons we fight with have divine power

4. Develop a Thorough Intake and Screening Process

- a. Identifying complex issues early on can prevent major problems later
- b. Be alert to issues that require special expertise, preparation or referrals
- c. Include specific cautions about complex issues on website
 - o www.rw360.org/christian-conciliation-service
- d. Include discerning questions on intake forms and questionnaires
 - o www.rw360.org/request-for-conciliation-assistance-form
 - o www.aorhope.org/open-case
 - o www.crossroadsresolution.com/request-assistance
- e. Require Interview Agreements and Information Release forms (see links above)
- f. Use validated screening tools, such as *The Mediator's Assessment of Safety Issues and Concerns* (see Appendix 1)
- g. Use personal interviews to assess as well as to dig deeper (see questions in Appendix 2)
- h. When serving couples, have at least one interview with each person individually to reveal hidden issues, such as domestic abuse.
- i. Explain confidentiality limitations
- j. Explain rules of procedure and conciliation agreements
- k. Follow abuse reporting requirements

- 5. Do Not Conciliate Abuse Cases Until Abuser Demonstrates Genuine Repentance**
 - a. Abusers are often master manipulators and can easily use a conciliation process to manipulate and re-abuse their victims
 - b. See [“Abusers and True Repentance” by Philip Monroe](#) (godly vs. worldly sorrow, transparency, accountability, restitution)
 - c. Guard against attempts to paint hesitant or unwilling victims as unforgiving or defying Scripture

- 6. Know When to Make a Referral**
 - a. More experienced conciliator or specialist
 - b. Pastor/church involvement
 - c. Professional counselors, psychologists, physicians and other specialists
 - d. Law enforcement, child protection services, etc.

- 7. Family, Employment and Church Cases Involve Inherent Power Imbalances**
 - a. Distinguish between power and authority (de jure vs. de facto)
 - b. Exercising legitimate authority does not necessarily qualify as abuse
 - c. Leaders need to exercise their authority wisely and graciously
 - d. Those under authority need to show appropriate respect for authority

- 8. Criminal Cases Involve Dual Jurisdictions**
 - a. God has established civil authorities to enforce criminal law (Rom. 13:1-7)
 - b. God has established the church to address spiritual and relational issues (Matt. 18:12-20), as well as some civil legal issues (1 Cor. 6:1-8).
 - c. Example: embezzlement, theft or assault

- 9. Recruit a Fully Qualified Conciliation Team**
 - a. Gender sensitivity
 - b. Solo or team
 - c. Training and experience
 - d. Theological compatibility
 - e. Cultural compatibility
 - f. Time availability

10. Support for Parties Can Make or Break a Conciliation Case

- a. A conciliation process is intended to be conciliatory rather than adversarial.
- b. Spouses
- c. Pastors, elders, spiritual advisors
- d. Personal counselor or advocates
- e. Legal or expert representation

11. Key Conciliation Practices

- a. [Building Passport](#) (Can I trust you? Do you really care? Can you really help me?)
- b. [Three P's of Satisfaction](#) (Process, Personal, Product)
- c. Preparation and coaching
- d. Room setup
- e. Ground rules and protections
- f. Caucuses
- g. Leave room for change choices even after commitments have been made

12. Trauma Informed Conciliation

- a. Also referred to as severe suffering²
- b. Psychological considerations (see articles in Appendix 1)
 - Safety
 - Empowerment
 - Positive connections
 - Managing emotions
- c. Assurances from God's Word
 - Psalm 103:1-5 refers to healing, redemption and renewing, all flowing from the first benefit, forgiveness.
 - God's **forgiveness** provides comfort and hope to victims who struggle to forgive and overcome trauma symptoms, as well as to perpetrators who are traumatized by their own guilt.
 - God's **steadfast love and mercy** comforts those who are tempted to question his love in the midst of their suffering.

² For the purposes of this presentation, we are defining "trauma" as the response to a deeply distressing or disturbing event, such as an accident, betrayal, abuse or natural disaster, that overwhelms an individual's ability to cope, causes feelings of helplessness, diminishes their sense of self and their ability to experience a full range of emotions or to relate to others in natural, confident and comfortable ways.

- Although God allows us to experience suffering in this life, he promises to **protect** us from any suffering that would separate us from him or cause us eternal harm.
- Although healing from nightmares, anxiety, doubts and other symptoms of trauma may be incomplete in this life, God promises his children **perfect healing** in the life to come.
- Those who doubt their worth and value can be encouraged by remembering their **identity in Christ** as dearly loved children.

13. Pros and cons of confidentiality and non-disclosure agreements

- Private reporting vs public statements
- Informing church leadership
- Consider legal liabilities of withholding or revealing information

14. Post Conciliation Evaluations

- Make it easy for clients and their advisors to provide feedback and express disappointments, criticism and suggestions for improvement
- Respond quickly, humbly and graciously to negative feedback

15. Provide a Credible Grievance Process

- Provide a written grievance process that ensures an objective evaluation of and response to client complaints
 - www.rw360.org/conciliator-grievance

16. Specialized Training

- Academic degrees and professional training (law, counseling, ministry, etc.)
- Supplemental training in a special area does not necessarily qualify a conciliator to handle complex cases, but it can sensitize you to complex issues and the need for assistance or a referral
- Although full-time professionals can justify the time and expense of advanced training, it is often too costly for those who occasionally volunteer their services.
- Power imbalances, abuse (emotional, physical, sexual, harassment, elder, spiritual, domestic violence, bullying) and trauma (see Appendix 1)
- Ambassadors of Reconciliation (www.aorhope.org)
 - *Advanced Coaching and Mediation Practicum*
 - *Reconciling Husbands and Wives*
 - *Group Reconciliation Assistance*
 - *Adjudication Training*

APPENDIX 1 - RECOMMENDED RESOURCES AND TRAINING

Books

- [Is It Abuse? Darby Strickland](#)
- [The Emotionally Destructive Relationship: Leslie Vernick](#)
- [Are You in an Emotionally Destructive Relationship: Leslie Vernick](#)
- [The Body Keeps Score: Brain, Mind and Body in the Healing of Trauma: Bessel van der Kolk](#)
- [Something's Not Right - - Decoding the Hidden Tactics of Abuse-and Freeing Yourself from Its Power: Wade Mullen](#)
- [Suffering and the Heart of God by Diane Langberg](#)

Articles

- [Building Passport](#)
- [The Three P's of Satisfaction](#)
- [Portrait of a Peacemaker](#)
- [Peacemaker's Prayer](#)
- [GRACE Articles and Videos](#)
- ["Abusers and True Repentance" by Philip Monroe](#)
- [Trauma Informed Mediation](#)
- [Guidelines for Victim-Sensitive Victim-Offender Mediation](#)
- [Trauma Informed Conflict Engagement](#)
- [The Three Pillars of Trauma Informed Care](#)
- [Wade Mullen: How to Recognize Spiritual Abuse in Evangelicalism](#)
- [10 Ways to Spot Spiritual Abuse, Mary DeMuth](#)
- [Blog by Gary Thomas - Enough Is Enough](#)
- [A Divorced Couple Shares Their Experience with Spiritual Abuse, By Jessica Lea](#)

Screening Tools

[The Mediator's Assessment of Safety Issues and Concerns \(MASIC\): A Screening Interview for Intimate Partner Violence and Abuse Available in the Public Domain](#)

Redeeming Power Seminar by Diane Langberg³

- [Power Defined](#)
- [Power Abused](#)
- [Abuse of Power in the Church](#)
- [Power Redeemed 1](#)
- [Power Redeemed 2](#)
- [Recommended Resources](#)

³ Provided by permission of the Forum of Christian Leaders

APPENDIX 2 - INTAKE QUESTIONS FOR COMPLEX CASES

Note: A potential conciliation client may not initially disclose circumstances that will identify the case as complex. For individuals, the following questions may help uncover circumstances that you can follow up with additional questions.

- Please describe any responses or reactions in this dispute that are out of character for the other individual.
- Please describe any responses or reactions in this dispute that seem out of step with the situation or is inconsistent or erratic.

1. Questions to Identify Possible Abuse

- You mentioned that you have experienced _____ abuse (mistreatment, disrespect, etc.). Can you tell me more about that?
- Are you able to describe how you have experienced the abuse?
- How long has the abuse taken place?
- Are you concerned for your personal safety?
- What steps have you taken to avoid being hurt?
- What are your greatest fears in your relationship with _____?
- Have you been able to take any steps to hold the other person responsible? If so, could you describe what you have done?
- Have you contacted any authorities regarding the abuse? If so, who and when? What have been the results?
- Who else is being affected by this behavior? (Who else is being hurt?)
- Who else have you contacted about this situation? What have been the results?
- If this behavior doesn't change, what will you do?

2. Questions to Identify Possible Depression, Anxiety, Stress

- You indicated that you were diagnosed with clinical depression. How is your depression being treated?
- Can you describe how the depression has affected your life?
- What you described must be causing you a lot of stress. How are you dealing with the stress?
- Mediation in a case like this is likely to be stressful for you. Is there anything else you are dealing with that might affect how you handle this situation?
- How do you relax in light of the challenges you are facing?
- What is your greatest fear?
- What is your greatest hope?

3. Questions to Identify Possible Addictions or Effects of Medications

- How much time do you spend on the computer (Internet, social media, cell phone, etc.)?
- What times of day are you spending that much time on the Internet?
- Where are you when you are on the computer for long periods of time?
- What kinds of sites do you visit on the Internet?
- How often do you drink alcohol? How many drinks at a time?
- Do you use any kind of prescription medications to help you deal with stress or anxiety? What can you tell me about their use that might affect how you deal with this situation?
- Can you tell me if you have been using any non-prescription medications/ drugs to help you deal with stress or anxiety?
- In the past, have you struggled with any kind of addictions? Tell me about your experience. How are you dealing with that today?

4. Questions for Group Reconciliation Cases

In these first two questions, look for indicators of leadership stress and turnover.

- In the past two years, have any staff or lay leaders resigned their positions? If so, please describe how many and why you think they resigned?
- How is this situation affecting you personally?

In these questions, look for signs that the entire congregation or organization is being impacted by the conflict.

- What are the trends in worship attendance? Offerings? Bible class attendance?
- You said that this is just a dispute between the elders and the pastor.
 - How many of the elders and pastor are married?
 - By your description, this has caused stress among them. How many do you think have talked with their spouses or friends? [Or: Do you think any of them have talked with their spouses or friends? If so, how many others do you think have heard about these concerns?]
 - How do you think these conflicts have affected the staff? Do you think any of those staff members have talked to their spouses or friends about the stress they are experiencing at the church?
 - How have these conflicts affected other boards (lay leaders, etc.)?
 - The total number of elders, pastor, and other staff are _____. If the elders, pastor, and other staff have talked with their spouses, you can double the number of people involved. And if any of the spouses and friends have mentioned these issues on social media or talked with anyone else at church, it is likely that many more are involved. However, many of them have received

their information second or thirdhand. How do you think that might be affecting people's attitudes toward the pastor or elders?

- Even if the pastor and elders are reconciled, others have been affected and may not be involved in the reconciliation. What do you plan to do to bring healing to the entire community?
- You described a serious dispute between the board and the president.
 - Is this dispute having any effect on other staff at the church (school, university, etc.)?
 - What is the effect?
 - If other staff are effected, how do you think they are responding to this situation?
 - If staff and board members are stressed by this situation, who else might they be talking to?
 - If this situation is not resolved in a peaceful way, how will that affect donors (contributors, supporters) of the organization?
- If the _____ (key person) leaves the organization, what impact will that have on:
 - Other staff?
 - Board members?
 - Congregational members (or students or clients or similar)?
 - Major donors (or revenues)?
 - The reputation of the organization?
- What has been done so far to address this situation?
 - What have been the results?
 - What other options have you considered?
 - What will happen is nothing else is done to address the situation?

Ver. 1.2