

# **South Atlantic Conference of SDA**

## **A BASIC GUIDE FOR DISPUTE AND CONFLICT MEDIATION**

Voted by the SAC Executive Committee June 11, 2023

### **Preamble**

Disagreements are normal, natural, and healthy, when done properly. Contrary to popular belief, disagreement is not synonymous with conflict. Emotional Intelligence allows for appropriately expressed disagreement, without injury to co-worker relationships or the mission of the organization. Jesus requires that His followers seek to resolve misunderstandings and conflicts at the lowest level possible and with the intervention of the fewest number of people necessary (Matthew 18:15).

Failing all good faith effort to personally resolve inter-personal challenges, Christ counsels that one or two spiritual individuals may be asked to provide intervention and aid in resolving the matter between fellow believers. The challenge with this step is that there is often confusion and misunderstanding about exactly is the role of these individuals.

### **Purpose**

The purpose of this Dispute and Conflict Mediation Guide is to provide basic instruction for persons, such as administrators, pastors, principals, local elders, supervisors, and others who are either asked (providing voluntary intervention) or tasked (by virtue of conference employment) to mediate inter-personal disputes and conflicts involving conference employees, church members, students and other personnel involved with our schools, and any other parties with whom we interact. Your role in helping to settle a challenge between fellow believers is a biblically sanctioned ministry, based in part, on the narrative of the advice given to Moses by his wise father-in-law Jethro, in Exodus 18:13-27.

### **Legal Disclaimer**

This Dispute and Conflict Mediation Guide does not qualify the user to assume the legal role of arbitrator or mediator in a civil or legal proceeding. This basic guide is not endorsed by an accrediting body or school. This guide is a spiritual protocol based on Bible principles for use primarily among believers in the body of Christ, and is not a substitute for legal advice or assistance by a licensed attorney in a legal proceeding. Parties to a legal dispute or conflict understand that they should consult with an attorney-at-law, and that voluntary use of this spiritual process as outlined in the Scriptures does not take the place of any applicable legal counsel or law. Both the persons providing and receiving spiritual dispute and conflict mediation agree that using this guide will not result in a legally binding agreement and may not result in any legal relief sought. This guide also assumes that there is no physical or sexual abuse or threat of physical abuse or harm involved in the disputed matter, in which case, legal or law enforcement assistance or intervention may be the immediate need instead of a non-legal attempt at resolving the matter. This guide further assumes that parties are legally and mentally competent and otherwise free to make the judgment to utilize the steps outlined herein. By using this guide to seek resolution to their dispute or conflict, parties understand that there is no guarantee of an amicable or satisfactory resolution of the difficulty, and agree to hold harmless the South Atlantic Conference and its officers, directors, employees, and their heirs.

## 1. PRE-INTERVENTION STEPS

- A. **Confirming Christ's Command** – If you are asked or assigned to mediate between disputing parties, please confirm that Christ's rule to first seek to settle the matter one-to-one has been followed. Please note the legal disclaimer above to ensure that this rule is not being ill-advisedly applied to vulnerable persons who may be party to the matter at hand (for example, it is not legally appropriate to expect or require an alleged victim of sexual abuse or assault to "go to the offending party" to resolve the matter). Christ's rule in Matthew 18:15 is very important to the process of inter-personal conflict resolution.
- B. **Secure the Agreement to Mediate** – It is assumed that you are being asked or tasked to provide intervention in a dispute of conflict because parties failed in "A" above to resolve the matter between themselves (Matthew 18:15). Only then can you intervene. As the person assigned or invited to intervene, you are most likely known to both parties and have access to them to secure their agreement to mediate. Two very important points:
- Secure the agreement in writing, preferably (email or text is okay). A simple approach could be "Hi, I'm just confirming that you've agreed to meet (state specific forum, such as in-person, by phone, or virtually such as Zoom) with me and (person's name) on (specific date and time) to seek resolution of the issues you're both having right now. Please reply to confirm."
  - Do not, under any circumstance, form a conclusion or express an opinion about guilt or innocence, or about who's right and who's wrong in any case without having gone through the steps outlined in this guide!
- C. **Determine Who Shall be Present** – One of the worst things that can happen, is for you to arrive for the mediation meeting (in person or virtually), only to find that there are people present who you or one of the parties did not expect to be there! Ask the direct question: "Who will be accompanying you to the mediation meeting?" Preferably make this request in writing (email or text message is okay) and request a written response at least 24 hours before the scheduled time of the meeting. This deadline to receive the reply serves the purpose of eliminating last-minute surprises and changes, and allows you to inform each party of the other's participant list. On this note, let me caution that there should be set limits on how many people can attend for each side. Do not allow the amassing of a mob-like scenario. This serves no useful purpose. A suggestion would be to limit the number of witnesses per side to three individuals who have actual first-hand knowledge of the issue.
- D. **Set the Time, Date, and Venue of the Meeting** – Effective communication is critical in matters of dispute resolution. Rely much on written communication (email or text is okay) to mitigate misunderstanding, keeping in mind that conflict usually constitutes a highly emotional state of mind. As the one providing intervention, please be aware that you could very easily become (or accused of being) party to any escalation of the difficulty between the parties. People in conflict sometimes cause more conflict by seeking to blame others for their issues, so beware!

## 2. THE INTERVENTION: NAVIGATING THE MEDIATION STEPS

- A. **Personal Effort** - First seek to resolve private matters one-to-one (Matthew 18:15) in a calm and kind manner. Jesus requires us to seek to resolve difficulties at the lowest level possible, with the involvement of the fewest number of people necessary. Most misunderstandings or disagreements can be resolved if this step is faithfully observed.
- B. **Mediation** - If good faith personal efforts to resolve the matter do not yield the desired outcome, prayerfully request the counsel of one or two neutral third-party individuals who have the regard of both disputants. It is hoped that in the resulting meeting and in the hearing of “two or three witnesses” (Matthew 18:16) there will be breakthrough and a peaceful conclusion of the matter. Parties should practice the admonition of Christ in Luke 17:3, 4. Those providing mediation shall be neutral, not taking sides or arbitrarily concluding or ascribing right or wrong to either party. The person providing mediation should focus on what’s right vs. what’s wrong (policies and principles, rather than personalities).
- C. **The Mediation Meeting** – There needs to be a meeting with all parties to the conflict. Those asked or tasked to intervene must be careful to not form conclusions, make assumptions, or give any advice or instruction without first hearing both sides. Much damage can be caused by any appearance of bias and lack of neutrality in conflict ministry. The one mediating shall convene a joint session with the parties, where the complainant is given the floor to present their case, after which the respondent shall be given time to address the claims made. Any witnesses shall also be given time to share their testimony. The mediator shall establish ground rules of conduct and participation before hearing parties, with strong emphasis on the importance of presenting facts at the hearing. Where advisable and necessary, the one mediating should plan and provide for private caucuses during the meeting, where parties may openly express concerns, additional information, ask questions, etc., and where the mediator may also seek clarity on various matters presented during the joint session. The mediation meeting is confidential. Whatever is shared in the private caucus is also confidential, and may only be shared in joint session with the consent of the party who revealed the information to the mediator. Spend only enough time on the issues to establish facts and understanding, and then transition to seeking a mutually agreed settlement as quickly as advisable.
- D. **HR and ADCOM Involvement** - Where intervention by neutral parties fails to bring about a peaceful conclusion or resolution of the dispute, the assistance of the Human Resource Department may be sought to help resolve the matter. If this step fails, the HR Director may refer the matter to ADCOM for intervention or action as warranted.

### Concluding Conflict, Restoring Harmony

1. All parties to the mediation process should participate in good faith, earnestly seeking to resolve their dispute, end any hostilities, and restore the harmony that Christ commands.
2. To achieve reconciliation and healing, erring parties are willing to graciously acknowledge their faults. Heart-felt apologies should be rendered in the forum in which the offence was given, whether in private or public. Offended parties should graciously forgive repentant offenders (see Luke 17:3, 4; James 5:16; Matthew 6:12; and *Steps to Christ*, chapter 4).