



**creative conciliation**

**Introduction to  
Healing Investigations**

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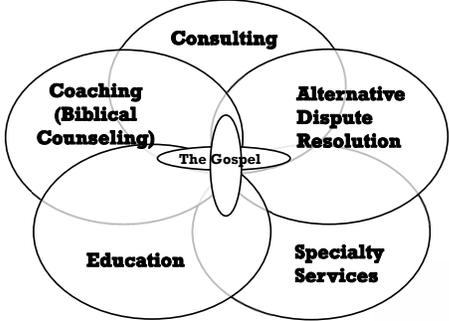
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**What is Christian Conciliation?**



**Consulting**

**Coaching  
(Biblical  
Counseling)**

**Alternative  
Dispute  
Resolution**

**Education**

**Specialty  
Services**

**The Gospel**




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**Specialty Services**

- Interventions
- Investigations
- Restorative Justice processes
  - Goal is not to address conflict
  - Goal is to address harm done
- Forums




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PURPOSES

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### Investigative Goals

- Investigations should not be about gathering data to confirm or deny “the facts”
- Investigations should be about assessing reality in order to make just and loving decisions for impacted individuals
- Most investigations are focused on “data gathering” about experiences highly affected by subjective interpretation



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### Fact Finding or Investigation?

- **Fact-finding** (initial enquiry) involves a third-party interview of both the complainant and the respondent to determine whether the matter is serious enough to warrant a formal investigation
- A **formal investigation** involves the collection of information and evidence, witness interviews, data analysis, preparation of a detailed investigation report, and consideration by key decision-makers as to what appropriate actions are called for



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## Added Benefits

- Impacted individuals who know that an investigation is underway can experience “crisis stabilization” because they know that their concerns are being addressed
- Investigators have the opportunity to evaluate effectiveness of current policies and procedures
- Investigators can make recommendations to improve current policies and procedures



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## Good Investigations

- Prevent a loss of personnel
- Prevent grievances and lawsuits
- Preserve financial, emotional and relational resources
- Provide data needed to solve significant problems
- Enhance a positive culture



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## A Powerful Opportunity

- When investigations are needed, a commitment of resources to the task can strengthen and improve organizational culture and the morale of impacted individuals
- Organizations that perform thoughtful investigations have the opportunity to do “heart care” during the process
- An opportunity to love



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## Bad Investigations

- People move on
- Grievances or lawsuits are filed
- Cost money, time, energy, and emotional reserves
- Damage relationships
- Complicate or create additional problems
- Damage culture in an organization



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## Bias

- All people (including investigators) are shown in the research to:
  - Be more likely to show preferential treatment to individuals similar to them
  - Be more likely to excuse poor behavior of individuals similar to them
  - View themselves as more ethical and unbiased than others



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## Investigations Handled Badly...

- ...can be a form of harassment and intimidation
- Can precipitate lawsuits
- Can injure others' emotionally, professionally, reputationally, relationally, and spiritually



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Complaint



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### Under What Circumstances?



- Investigations are helpful when any of the “4 C’s” are experienced but are not resolved using normal, prescribed, or helpful means:
  - Concerns
  - Complaints
  - Conflict
  - Crisis
- When unresolved, concerns, conflicts, and crisis often default to complaints



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### Concerns



- **Defined:**
  - “A matter of interest or importance”
- Pathway for the concerned party
  - **Concerned party** takes concern to the nearest **responsible party** ASAP
- Resolution
  - **Responsible party** addresses the concern ASAP and notifies **concerned party** of resolution



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## Complaints

■ **Defined:**

- "Concern resulting from a violation of policy"

■ **Pathway for the complainant**

- **Complainant** follows the complaint resolution process by taking complaint to nearest **responsible party** ASAP

■ **Resolution**

- **Responsible party** follows the complaint resolution procedures



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## Conflicts

■ **Defined:**

- "A serious disagreement or argument"

■ **Pathway for the conflicted party**

- **Conflicted party** follows the conflict resolution process ASAP

■ **Resolution**

- If **conflicted party** actions are successful, resolution occurs; if unsuccessful, resolution process defaults to complaint process



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## Crisis

■ **Defined:**

- "A time of intense difficulty, trouble, or danger"

■ **Pathway for the crisis-impacted**

- **Organization** implements the Crisis Plan to guide crisis-impacted people through the Initial Impact, Withdrawal/ Confusion, Adjustment, and Reconstruction/Reconciliation Phases

■ **Resolution**

- Rare, unless organization prepared and ready



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## When 4 C's Processes Fail

- People are more injured after a failed process than they were by the original concerns, complaints, conflicts, and crises
- Trust and respect have been damaged or destroyed
- Culture has been negatively affected
- The failed process is its own form of crisis



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## PROCESSES

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## Investigative Team Members

- A "Captain" manages the entire process and is responsible for communications
- Investigators investigate, report, and recommend
- Decision-makers decide based on the evidence, not opinion or perspective
- Investigators and decision makers are not the same people!



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Failing to Follow  
Procedural  
Fairness



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## Key Considerations

- Keep open channels of communication with complainants and respondents so long as a commitment to confidentiality exists
- Provide a clear timeline and outline of the investigative process
- Ensure that impacted parties are aware of their rights to have support persons involved
- Maintain respectful contact and objectivity



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## Procedural Fairness

- Provide adequate information about the allegations, usually in writing
- Permit reasonable amount of time for impacted parties to respond to the allegations
- Allow a support person to be present during interviews
  - Provide adequate notice for support persons to be included
- Investigators are unbiased and objective



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## 4 Steps in Healthy Investigations

- Planning
- Interviewing
- Analyzing
- Facilitating resolution



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## Considerations in Planning

- Once the decision to investigate has been made, ***do not begin interviews without a plan!***
- Make sure that the purpose of the investigation does not get lost in the activity
- Are there potential conflicts of interest in the investigator selection?
- What are the potential consequences which could result?



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## Planning Points

- Who is the "captain" of the investigation?
- Who will do the investigative interviews?
- What concerns, complaints, or issues will be investigated?
- What evidence needs to be collected?
- Who will be interviewed?
- How long will the investigation be held?
- How will information be reported to impacted parties?



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## Considerations in Interviewing



- All relevant parties should be interviewed
- Prepare a list of interview questions for each impacted party
- Investigate in pairs... do not investigate alone!



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## Interviewing “Do’s”



- Show respect
- Be honest about the point of the interview
- Listen carefully to the party and confirm that you have rightly understood
- Take notes with dates, names, and perspectives shared



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## Interviewing “Don’ts”



- Intimidate the parties
- Interrupt
- Ask leading questions
- Show your own emotions
- Jump to conclusions
- Promise an outcome



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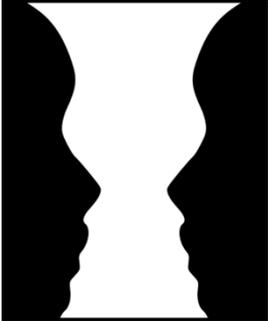
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**PERSPECTIVES  
ARE NOT FACTS!**





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### Considerations in Analyzing Data

- Gather and review all relevant information
- Assess the evidence provided with regard to reliability, consistency, and credibility
- Prepare an investigation report setting out the findings
  - Discuss behavior that has or has not occurred
  - Reflect on whether behavior is unlawful, unreasonable, or a breach of policy
- Come to a conclusion and make recommendations based on the evidence



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### Recommendations

- The investigative team will make recommendations after analyzing the data
- Common recommendations include:
  - Policy amendments
  - Education and training
  - Broad disciplinary action
  - Mediation and/or counseling



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## Investigative Report

- Summary of the incident being investigated
  - Dates and individuals involved (investigators and parties)
  - Key factual findings and credibility determinations
  - Summaries of witness statements
- Applicable employer policies or guidelines
- Specific conclusions
- Issues that couldn't be resolved
- Employer actions taken
- Name of the person making the final decision



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## Resolution Outcomes

- Care for impacted individuals
  - Conciliation, mediation, counseling, or training
  - Reimbursing costs (e.g. medical, counseling)
  - Re-crediting any leave taken as a result of the concerns
- Disciplinary action
  - Formal apology
  - Warning, dismissal, transfer, demotion or increased supervision
- Other actions
  - Creation and communication of new policies
  - Dismissal of complaint if it is found to have no substance
  - Appeals process if parties not satisfied with investigation result



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## Follow-Up

- **Report** back to the complainants that action was taken— even if details cannot be shared for privacy reasons
- **Reintegrate** the complainants back into the organization
  - Shift focus from the complaint to the positive changes the investigation has brought about
  - Provide conciliation processes as needed to heal damaged relationships
- **Remind** everyone that retaliation won't be tolerated
  - Check back within three to six months to verify compliance
- **Review** the investigation to determine what could be done better the next time



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## Common Mistakes

- Failing to plan
- Ignoring complaints
- Delaying investigations
- Losing objectivity
- Being distracted during interviews
- Using overly aggressive interview tactics
- Not conducting a thorough investigation
- Failing to reach a conclusion
- Failing to create a written report
- Failing to follow up with those involved



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## TRAINING IN INVESTIGATIVE PRACTICES

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## Deeper Dive

- Investigations that Heal
- <http://www.creativeconciliation.org/register>



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