

Regent University Graduate School of Business

A Magazine for
Christian Leaders
and Managers

THE REGENT BUSINESS REVIEW

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The Regent Business Review is a bi-monthly electronic magazine published by the Regent University Graduate School of Business. The mission of RBR is straightforward: to equip and encourage Christians to be more God-honoring leaders and managers. As such, we offer practical guidance about what it means to be an authentic Christian in the workplace, as well as tools for better communication, for character development, and for other building blocks of leadership excellence. Driven by a calling to make disciples in the marketplace, we seek to exhort and coach Christians to "excel still more" (1 Thess. 4:1) in their roles as leaders and managers.

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How to Eliminate Employee Lawsuits Forever

by Michael Zigarelli

Which of the following is correct? From 1990 to 2000, complaints to the Equal Employment Opportunity Commission rose by:

- A. 10 percent
- B. 20 percent
- C. 50 percent
- D. Over 100 percent

If you guessed A, B, or C, guess again. The astonishing answer is D. In fact, the exact increase is near 120 percent, according to the General Accounting Office.

Indeed, the selection and management of personnel in the United States may be more precarious than ever. As a result of the piecemeal evolution of the U.S. employment law system, employees can now sue their employer for workplace discrimination based on race, color, sex, religion, national origin, age, union status, disability, and in some states, marital status, sexual preference, smoking habits, personal appearance, height and weight, political affiliation, arrest and conviction record, and even the method of birth control they choose! If that were not enough, state courts have applied long-standing common law to recognize workplace torts of wrongful discharge, infliction of emotional distress, breach of contract, invasion of privacy, fraud, defamation, and negligent hiring, retention, training and supervision.

Catch your breath, because as you may already know, the minefield doesn't end there. Employment law further affords employees the right to a minimum wage and to overtime pay, the right to a safe and healthful workplace, and the right to benefits of social security, unemployment insurance, workers' compensation, family and medical leave, and proper

Presto! The end of employee lawsuits. Instead, disputes get arbitrated – privately, discreetly, expeditiously. Could this possibly be legal?

administration of their pension. So, given this broad patchwork of federal and state statutory rights, common law rights, and administratively-created rights, almost any employee management decision you make can potentially trigger litigation.

That's not good for business. Lawsuits are expensive, embarrassing, and very disruptive, even if the company wins. What are companies doing in response? Well, they're not lobbying Congress for rollbacks in employee rights. That would be political suicide for the inside-the-beltway crowd. Rather, non-union employers have found a way

around all this mess. They've begun circumventing the courts and administrative agencies by requiring employees and prospective employees to sign a contract that mandates arbitration as the **exclusive remedy** for any dispute pertaining to their employment. That is, a condition of employment in these companies is that every employee waives his or her right to sue the company and instead, agrees to take any employment dispute before a private arbitrator. No more EEOC investigations. No more jury trials with punitive damages running into the millions. No more court battles over employment matters.

Presto! The end of employee lawsuits. Instead, disputes get arbitrated – privately, discreetly, expeditiously. Could this possibly be legal?

As I'm sure you'd expect, these new arrangements – often called "compulsory" or "mandatory" arbitration agreements – have precipitated a plethora of court challenges examining their enforceability. Plaintiff employees have contended that such agreements heavily favor the more powerful party in this relationship – their employers – and that Congress never intended for employment discrimination charges or state common law allegations to be the subject of arbitration.

Protests notwithstanding, federal and state courts nationwide – including the U.S. Supreme Court – have said that compulsory arbitration passes legal muster, provided that reasonable procedures exist to protect due process. The

Employers can legally compel their employees to agree never to sue

plain English translation: employers can legally compel employees to agree never to sue. Just make sure that standard procedural safeguards are in place (see “Implementing this Ethically” on page 4 for several examples). Consequently, hundreds of companies across the nation now have such programs. Maybe yours should too.

Legal, Perhaps, But Is This Ethical?

Here’s the second question in our self-graded quiz: If a discrimination charge is filed with the EEOC, and if goes through a hearing and one appeal, about how many days would that process normally require?

- A. 100 days
- B. 400 days
- C. 700 days
- D. all of the above, combined

Yup. It’s D again. 1,186 days to be exact, as of 1998 (the most recent data available). Now tell me something. If your daughter wanted to file a sexual harassment suit

against her employer, would it be “right” by any ethical standard to have it take more than three years to resolve? Seemingly not. So one starting point when considering the ethics of a compulsory arbitration program is to look at what happens in the absence of it: justice delayed – egregiously delayed. Arguably, an expedited dispute resolution process (arbitration usually takes anywhere from 45 days to several months) can benefit employees as well as employers. In fact, that’s how we got our workers’ compensation system in the United States. Employees needed to have medical bills paid and replacement of their income after a workplace accident; employers were getting tired of being sued for workplace injuries. Workers’ comp provides an exclusive remedy and no one, it seems, would question the ethics of that parallel approach.

There’s more to the ethical question, though. Expediency is not the only standard. To pass the test of Christian ethics, compulsory arbitration must be fair to employees both procedurally and substantively. It must ensure a full, impartial hearing of the dispute, it must be accessible to all employees regardless of ability to pay, it must find the innocent to be innocent and the guilty to be guilty, and it must produce awards that are similar to what one might receive from a favorable court verdict.

What might this look like in operation? How can you design and implement such a system? Consider imitating the approach of one of the “best practice” companies in the compulsory arbitration arena, a Texas-based company called Brown & Root.

Implementing an Arbitration System

In 1993, this large engineering and construction firm was sued by an employee for sexual harassment. Ultimately, the company won the case, but the victory still significantly disrupted their work environment and cost them \$450,000 in legal fees. Moreover, the battle had permanently altered the careers of several employees, including the plaintiff. The experience led Brown & Root to pursue a better way to resolve workplace conflict – a way that met the interests of both employer and employee.

To pass the test of Christian ethics, compulsory arbitration must be fair to employees both procedurally and substantively

Soliciting input from approximately 300 employees, Brown & Root devised a system by which all employment disputes would be addressed internally, and where any employee with a grievance could get a fair, expeditious resolution to the

problem. The four-option program gives grievants the choice of: (1) using the firm's open-door policy to speak with one's immediate supervisor or a higher level manager, (2) conferring with a company dispute resolution representative who investigates the problem and proposes a settlement, (3) requesting formal mediation through an outside mediator, and (4) resolving the issue through final and binding arbitration. The catch for employees, however, was that to be employed at Brown & Root, one had to waive one's right to sue over employment

disputes (i.e., agree to a compulsory arbitration plan).

From an employee standpoint, this trade-off might be a fatal flaw in the "new-and-improved" conflict resolution system. Few workers are attracted to the idea of abdicating the right to a judicial forum. But through its early solicitation of employee input, the company was alerted to this potential flaw. Accordingly, says William Bedman, Brown & Root's associate general counsel, the company came to recognize that the long-term success of the program would

depend not just on management commitment, but also on its equitable and uniform application. The solution, therefore, was to safeguard due process.

And they have in many ways. First off, the system is accessible to every employee. Options one and two cost the employee nothing, and for options three and four, the employee pays only \$50 for the mediator or arbitrator and the company picks up the rest of the tab. The employee always has a right hire an attorney of his or her own choosing and, since many

IMPLEMENTING THIS ETHICALLY

Give proper notice to employees: For both ethical and legal reasons, you need to clearly disclose your new arbitration policy to employees. Moreover, create a separate arbitration agreement for employees to sign. Write the arbitration agreement in plain English.

Ensure the fair selection of an arbitrator: The employee must be able to participate in the selection of the arbitrator and must have access to the same data the employer has regarding prospective arbitrators (credentials, scorecard of previous decisions, etc.). For a compulsory arbitration system to be procedurally fair, employees must be able to make an informed choice when selecting an arbitrator.

Provide for fair and adequate discovery: You should provide a simple, speedy method by which employees can obtain the necessary information to present their case. Be transparent as you provide this information.

Use an established procedure: The American Arbitration Association has developed such a procedure and it has been sanctioned by numerous courts. See www.adr.org

Do not require the employee to pay for the arbitrator: Going to the EEOC costs an employee no money. Arbitration, a private system, does cost money. This distinction therefore may undermine a low-income employee's ability to pursue his or her rights. To avoid this deprivation, the organization should pay the cost of arbitration and should consider paying a portion of the fee for the employee's lawyer (or should provide one for the employee).

Do not limit the remedies available to the employee: Your agreement should not constrain the remedies for an employee victory. Consistent with the American Arbitration Association's guidelines, the arbitrator must be able to grant any relief that the arbitrator deems just and equitable, including any remedy that would have been available to the parties had the matter been heard in court. This includes the right to award compensatory and punitive damages, as well as attorney fees.

employees might have trouble affording this “right,” the company again provides a subsidy. Brown & Root will reimburse ninety percent of the employee’s legal fees up to an annual cap of \$2,500.

Secondly, the system appears to be fair both procedurally and substantively. Mediations and arbitrations are guided by the rules of the American Arbitration Association (AAA). Mediators and arbitrators are selected jointly from a list of AAA neutrals. There are adequate opportunities for discovery (the pre-hearing process of seeking evidence from the other side). And tellingly, the size of the settlements has been similar to the days when Brown & Root employees took their employer to court.

Importantly for both sides, justice comes swiftly as well. Over the first five years of its operation, the program handled about 3,000 grievances, forty percent of which were resolved within a

month of filing and seventy-five percent of which were resolved within eight weeks. Only 40 of the 3,000 cases went to arbitration – a longer process but one that is still significantly shorter than litigation.

And what of the effects? By the company’s estimates, legal expenses from employment disputes are now down thirty to fifty percent from the pre-program costs, and overall, the annualized price of the program is substantially less than what one large court settlement would cost both sides. Moreover, by tracking complaint patterns so carefully, the company can correct systemic or recurring problems before they blossom.

Turnover is down as well. Brown & Root claims that since its inception, the dispute resolution program has helped retain over 300 valuable employees.

Operational fairness is the secret to this program’s success. It’s what has made Brown & Root a household name in dispute resolution circles. Building on a sensitivity to due process, the company has designed an effective system of conflict management that appears to work to the advantage of all stakeholders. A real win-win – perhaps even from God’s perspective.

For more information about compulsory arbitration and other methods of alternative dispute resolution, visit the website of the American Arbitration Association: www.adr.org

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AN RBR MINI-CASE

The Persecution of “Bible Bob”

Bob listened in disbelief to what he was hearing. “Religion has no place in this city government!” the councilman brazenly asserted. “Police officers, firefighters, school teachers, workers in City Hall – none of them has any business promoting her or his religious beliefs on the job. I won’t stand for it and the people of this great city won’t stand for it!”

The great city was not Beijing. Neither was it Havana nor P’yongyang. No, this was Los Angeles, the city of angels. Now, potentially, the city of gagged angels.

Rewind the tape several months. After 37 years on the Los Angeles police force, Bob had risen from patrol officer to the LAPD’s second-in-command. Bob was also a committed Christian, an elder at his church, a man who lived out his faith on the job so unflinchingly that some of his colleagues nicknamed him “Bible Bob” and the “Leader of the God Squad.”

Sounds humorous, but the Los Angeles media found it anything but funny. In the wake of the Rodney King fiasco and in light of the inevitable exit of then-police chief Daryl Gates, attention turned to Bob as the Department’s heir-apparent. The media began digging into Bob’s past, unearthing what

they considered to be smoking gun proof of Bob’s lack of fitness for the top cop position. Among the evidence they exhumed was a six-hour tape series, recorded by Bob for his church in 1977, entitled “The True Masculine Role.” In the series, Bob

His friends on the police force nicknamed him “Bible Bob” and “The Leader of the God Squad.” The Los Angeles media found it anything but funny

taught that the practice of homosexuality is “against God’s order,” that spanking is a valuable disciplinary tool for parents, that abortion is murder, and that the Bible has defined a role for men to fulfill. Filtered through their secular worldview, the newspapers reported that Bob advocated in this series the beating of children, the demeaning of women, and the selective enforcement of laws.

Citing anonymous sources, the media also reported other findings from their investigation, among them, that:

- Bob pressured officers to attend church services and ordered officers to get down

on their knees and pray. (Bob retorted that this simply was untrue.)

- Bob favored Christian officers for promotions and choice job assignments, even manipulating their test scores to do so. (Bob called the allegation nonsense and a “specious red herring.”)
- Bob consulted his church about the ethics of arresting pro-life demonstrators. (Bob said in response: “I’m not ashamed of seeking counsel. I’m proud to say that when I come up against moral dilemmas I seek the counsel of elders of my church and of other law enforcement officials.”)

For his part, Bob steadfastly defended and explained his workplace Christianity. “I hope I’m known on the job as someone who is fair, as someone who works hard, as someone who keeps his word, and as someone who has the humility to listen to people under me. But do I go to work and proselytize? No. I think that would be an abuse of public office.”

This explanation notwithstanding, an alarmed city councilman launched a full-scale investigation into how Bob’s religious convictions may have affected his police duties. With the support of Mayor Tom Bradley and other members of the

Council, the investigation began immediately.

Chief Daryl Gates headed one part of that investigation, eventually concluding that there was “no evidence of wrongdoing” in Bob’s conduct and recommending that no disciplinary action be taken. A separate investigative commission interviewed several recently-promoted officers. Witness after witness – six in all – swore under oath that (1) Bob never improperly injected his religious views into police department business and (2) they had been given promotions without inquiry into their personal convictions. In the end, the commission found no substantiation for any of the media allegations, excepting one: Bob did permit clerical members of the LAPD to wear crosses on their uniforms.

As all this was unfolding, the media followed Bob wherever they could. They ambushed him outside his house and at work. They mobbed him at church. They demanded that he respond to every allegation that surfaced. Bob sought a court order to enjoin the harassment and the baseless investigations, but a federal judge denied his request. Now, a day after that judicial denial, a member of the city council was introducing legislation that would prohibit any city employee from promoting religious beliefs on the job.

Exhausted from this ordeal and nearing retirement age, Bob’s inclination is to call it quits and serve God elsewhere.

What Should Bob Do?

**Response from
Bob Brooks, Sheriff,
Ventura County
California**

Bob’s best option is probably to retire, but he must discern God’s will

I see the following as the three most obvious options available to Bob:

Option 1: Bob can fight back to restore his reputation

Bob has been cleared of wrongdoing, but if he decides to go farther to clear his name, he must think through the purpose and likely outcome of this. What would any of that really accomplish? His chances for promotion are remote, given the public perception that the city council and some in his own department lack confidence in him. His detractors will never go away, regardless of how eloquently he defends himself. And people who know and respect Bob don’t need

more information from him. So fighting back seems like a pointless endeavor.

Option 2: Bob can seek a common ground solution with the city council

Is there some common ground solution that placates the council and would permit Bob to stand firm on his convictions? Bob, or anyone being persecuted in the workplace, might want to seek that common ground with his detractors, if it exists. I suppose that Bob could agree to serve as an at-will employee instead of as a contract employee to increase the comfort level of the city council. Additionally, Bob might agree to be especially sensitive in the discharge of his duties to the various constituencies that oppose him (atheists, gays, pro-choice factions, etc.). In the end, though, even these alternatives will constrain him from unabashedly living his faith at work. There appears to be no win-win solution. So that leaves Bob with Option Three.

Option 3: Bob can leave the force and honor God elsewhere

Bob has sought to follow God’s lead at work and has trusted Him with the outcome. We should all be so courageous! But now the city council wants him out and, well, maybe God does too. Retiring would relieve Bob and his family of the stress of this very public and continuing battle. Moreover, Bob’s 37 years of service qualify him

for a full pension, so he has the enormous luxury of moving forward without the pressure to generate an income. His professional accomplishments coupled with his experience in Christian service make possible an even greater contribution than what he could achieve as Chief of Police. Accordingly, ministering elsewhere might be the best option for Bob.

Ministering elsewhere might be the best option for Bob

Of course, the real “best” option for the persecuted Christian is to ask: “What does God want me to do in this situation? What would be a success in God’s eyes?” Bob should start with these questions, recognizing that winning the top spot or having his reputation restored are not necessarily successes from God’s perspective. Pursuing God’s will, having integrity before God, and caring for his family arguably come closer to God’s definition of success. Bob’s rank upon retirement will have very little lasting significance, but if he allows the Lord to guide and transform him in the crucible of injustice, the process will have accomplished a work of eternal value.

Response from Brad Reid, J.D., Professor of Business Law, Abeline Christian University

***Bob should bite his tongue,
but should not hand his
persecutors a victory by
quitting***

Bob must not quit the department. Having “fought the good fight and kept the faith” (2 Timothy 4:7), it would be a victory for Bob’s critics if he simply gave up. At the same time, Bob will have to be very circumspect and above reproach in his public and private life. In Biblical terms, he should be “prepared to give an answer to everyone who asks... the reason for the hope that [he has]... but [doing] this with gentleness and respect, keeping a clear conscience, so that those who speak maliciously against your good behavior in Christ may be ashamed of their slander” (1 Peter 3:15-16). He is a marked man.

Let’s look at the case through a legal lens. First, has Bob done anything legally wrong on the job? Not from what I can tell. He has not violated any law through his workplace conduct and in particular, he is in no way guilty of religious harassment, as defined by Title VII and the courts. In cases related to sexual harassment – cases that also apply to religious harassment – the U.S. Supreme Court has indicated that “conduct that is

not severe or pervasive enough to create an objectivity hostile or abusive work environment – an environment that a reasonable person would find hostile or abusive – is beyond Title VII’s purview. Likewise, if the victim does not subjectively perceive the environment to be abusive, the conduct has not actually altered the conditions of the victim’s employment and there is no Title VII violation.” *Harris v. Forklift Systems*, 510 U.S. 17 at 21-22 (1993). Bob has been cleared of any conduct that approaches this standard.

If he does stay, should he fight the city council? That would be tempting, for sure, but I don’t think he should. If this battle is to be fought, it’s a battle for the Christian voters of the city. The model for this collective approach occurred in 1994, when the EEOC proposed guidelines severely limiting religious expression in the workplace.

The legal reality is that Bob, as a police officer, has fewer free speech rights than do other public employees

A massive public outcry caused the EEOC to withdraw those regulations, 59 Fed. Reg. 51, 396 (Oct. 11, 1994). So Bob does not necessarily need to be the point man for this fight, having already come under the microscope.

Other Christians should carry the ball here.

What about testifying against the proposed city council ordinance? Again, I don't think that would be wise. Such testimony would likely carry little weight in this venue and might allow his critics an opening to fire him.

Back on the job, Bob will find himself in an even more precarious position. He may need to keep quieter if he really wants to maintain his job. The legal reality is that a police officer has fewer free speech rights than do other employees. The courts apply a balancing test between Bob's First Amendment rights and the potential interference or disruption with the police department's activities. To quote one recent decision: "The effectiveness of a city's police department depends importantly on the respect and trust of the community and on the perception in the community that it enforces the law fairly, even-handedly, and without bias." This decision upheld the firing of a NYPD officer who anonymously distributed racist and anti-Semitic materials. *Pappas v. Giuliani*, 290 F.3d 143 (2d Cir. 2002).

Bob has not done anything meriting termination, although he will need to be extremely cautious in the way he treats homosexual and abortion protestor complaints. In fact, California state legislation contains special protections related to "sexual orientation." See, e.g., Cal. Civil Code, Sec. 51.7.

Finally, what about suing the media for their attempt to destroy his career? Again, from a legal perspective, since Bob has become a "public figure" as a result of the controversy, he would have to prove "actual malice" to take action against media falsehoods, a tough case to make. *N.Y. Times v. Sullivan*, 376 U.S. 254 (1964). There might be some associated torts such as trespass or infliction of emotional distress that could be developed, but Bob probably does not have a case. Bob should probably just resign himself to not becoming Chief of Police due to political controversy. But there is a ray of hope in all this. Second Timothy 3:12 states that "everyone who wants to live a godly life in Christ Jesus will be persecuted." Bob may never wear the badge of the Chief, but perhaps Bob can wear his ordeal as a badge of honor.

**Response from
Michael Zigarelli, Ph.D.,
Associate Professor of
Management, Regent
University**

***Bob should try to consider
persecution a blessing
rather than a burden***

Personally, I can't say with Gospel certainty whether Bob should stay or go. That would depend on some other information that we don't have in this case. One thing I do know, though, is that Bob

– or any Christian being persecuted – has a tough but imperative mental task to perform. He must re-conceptualize the persecution as a blessing, rather than as a burden.

Persecution? A blessing? I know, it sounds a little convoluted – almost like a transparent sales pitch that tries to turn a liability into an asset.

"Sure this beauty doesn't have air conditioning," says the user-car dealer, "but think of the gas money you'll save as a result!"

"It's okay that you failed the exam," says the teacher. "We learn by failing."

"I know liver tastes bad," says your mother, "but it's good for you."

For most of us, any kind of persecution is worse than liver. And when we're under attack like Bob is, it's hard to see how this could possibly be "good for us." But God's policy manual provides the answer. Scripture tells us that persecution is part of God's design for our life – that committed Christians will run into resistance. John, for example, states plainly: "Don't be surprised, my friends, if the world hates you" (1 John 3:13).

Hates you. That's strong language and it's an echo from his gospel where he quotes Jesus as saying: "If you belonged to this world, the world would love you as its own; but because you do

not belong to the world...the world hates you” (John 15:19).

Hates you. Even stronger language is the Greek word that underlies Jesus’ prophecy: *miseo*. The word connotes an active hatred – that is, a hatred that is not content to remain inside of a person. It is a hatred that culminates in external action, namely persecution. It’s no wonder, then, that Jesus continues His warning with: “Remember the words I said to you: A servant is not greater than his master. If they persecuted me, they will persecute you too...” (15:20).

His point is hard to miss: when you openly and intentionally follow in Jesus’ footsteps, you will experience persecution. So expect it. Brace yourself for it. “Don’t be surprised” by it. Persecution in whatever form it takes, is a thermometer of Christian commitment.

It’s also a thermostat. That is, God uses persecution to bless us – to transform us from lukewarm to red-hot followers. Bob might ask, of course: “How is it a blessing when people are lying about me, when I’ve lost my privacy, when my job is threatened because of my faith? Why doesn’t God bless me instead by FedExing a lightning bolt to the city council atheists who have made me the poster child for religious extremism in America?” Perhaps because such trials have the capacity to make us stronger, to ratchet up our

commitment, to make us even more Christ-like.

A well-worn passage on this point is James 1:2-4. In his typical cut-to-the-chase fashion, James doesn’t waste a second in tackling one of the toughest of theological issues. He writes, regarding persecution: “Consider it pure

God uses persecution to transform us from lukewarm to red-hot followers. In fact, persecution is the expressway to Christ-likeness.

joy, my brothers, whenever you face trials of many kinds, because you know that the testing of your faith develops perseverance. Perseverance must finish its work so that you may be mature and complete, not lacking in anything.”

...Just like the One we follow is not lacking in anything. James’ message here is that persecution is the expressway to Christ-likeness. That’s how he can have the audacity to call our trials “pure joy.” Persecution thickens our skin. Over time, it may even armor-plate it. It bolsters our ability to handle future assaults. We develop “perseverance,” James says – an ability to endure opposition and trust in God as Jesus did. We reach that elusive next level of “maturity and completion” that would probably have remained only a lofty goal had we not been persecuted.

That’s how persecution can be a blessing.

What all this means, then, is that when someone wrongs us because of our faith – at work or anywhere else – we should try to take heart. Nothing sanctifies us more quickly. One option for Bob, then, is that he could choose to see persecution for what it is – part of God’s design, part of His plan to make Bob even stronger. There’s no need to run from it. There’s no need to become a people-pleaser to avoid it. There’s no need to retaliate against or despise the people harassing him. In fact, Bob may even find some satisfying humor in their behavior: those who persecute Bob because of his beliefs are unwittingly doing God’s work! Without knowing it, they are operating as God’s agents to strengthen and mature Bob. How’s that for God turning the tables?

I’m not sure that Bob should share that little nugget with his oppressors, but in the midst of persecution, it sure could be a comforting irony for him.

Post-Script: What Did Bob Do?

The case of “Bible Bob” is actually the story of Assistant Chief of Police Robert Vernon, who in the early 1990s endured the challenges described in this article.

Bob elected to resign in the wake of the controversy. It was an excruciating decision

for him. He later told one newspaper, "They've ruined my life. I love police work and I loved the LAPD, but now I feel like I have divorced a woman I still love."

Soon after his retirement from police work, Bob founded The Vernon Group, now called the Pointman Leadership Institute

(PLI). It's a consortium of police executives, business executives and educators who provide leadership training that focuses on ethics and character. PLI's seminars and consultations have taken them to more than twenty countries and have been the vehicle by which military leaders, police officers,

business professionals – even members of parliament – have been introduced to Christian-based decision making.

To learn more, about Bob Vernon's organization, visit Pointmanleadership.org

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In Our Next Issue

Character: The Cornerstone of Christian Leadership

We know that Christian character is essential to authentic, consistent Christian leadership. But how does a person develop it? How does one become a "fruit of Spirit" leader?

A new study, based on survey data from more than 5,000 Christians around the world, uncovers the secrets to cultivating Christian character and to living the best life possible.

Ministries Mired in Mediocrity

by George Babbes

Think about it. If the board members at Enron and WorldCom were not paying close enough attention despite their expertise, flush budgets, and an army of financial analysts, shareholders, and SEC regulators looking over their shoulders, what would we find if we examined the effectiveness of the typical ministry board? Actually, we don't have to "think about it" too long. We know the answer. And it's not pretty.

It's no secret that most ministries are not managed well. The typical church and para-church ministry is understaffed, lacks rigorous training in business concepts, struggles to optimize multiple bottom lines, and lacks quality performance measures and benchmarks. Few ministry boards seem to understand what really drives the ministry's effectiveness and fewer still can evaluate progress toward ministry objectives. Worse yet, absent some crisis, these managerial problems will persist given the insufficient attention to measurement systems – systems that would help identify opportunities and motivate improvement.

Why are there such pervasive managerial problems in ministries? Two of the major culprits are what I'd call an "anti-planning mindset" and a weak board of directors. First, an "anti-planning mindset" is

a function of bad theology and business naiveté. I've heard ministry leaders argue that business tools would take something away from the Holy Spirit's role in the ministry, as if "business tools" somehow turned ministers into mindless zombies. This is

**Good stewardship
requires good
management.
Ministries should remove
their talent from the
ground and invest it in
some fundamental
managerial tools.**

nonsense, or, more charitably, a simple misunderstanding of what these tools entail. The most powerful business tools – for example, the balanced scorecard – not only move an organization toward better stewardship, they can also ensure a more acute sensitivity to the Holy Spirit's leading, since for ministries, that leading is always front and center on the scorecard. So long as this anti-planning mindset goes unchecked, there's little hope for the genuine internal change necessary to strengthen these ministries. Stated from another angle, in such places, Screwtape has gained a secure foothold for "His Father Below."

A second reason for poor ministry management is a weak board of directors. Even where ministries are not predisposed against incorporating sound management practices, the business-savvy folks who sit on the board are reluctant to get too involved in fixing infrastructure. Why? Mostly because they know it would require a major cultural transformation, which means a great deal of hard work, a reallocation of resources, and the risk of alienating anyone in leadership who might think that business is inapposite to ministry. Bottom line: most board-sitting business leaders sit on their hands, try to be nice, and merely offer encouragement, hoping for the best.

The upshot in either scenario is a ministry mired in mediocrity.

But it doesn't have to be that way. Some of the most powerful business concepts are finding their way into the not-for-profit sector. For example, one vector of influence is New Profit Inc. (NPI), a secular "venture philanthropy" organization that helps ensure that donors get the most social impact from their philanthropic "investments." Like a venture capitalist, NPI looks for the most promising investment opportunities and provides long-term funding. They work closely with the organization

on strategy and tactics, and determine exit strategies to guarantee that the organization remains viable in case funding is stopped. One of the key criteria NPI uses for selecting and continuing to fund social enterprises is the development of mutually agreed-upon objectives using measurable performance criteria. Continued funding is dependent on organizations achieving their objectives. It's called accountability. Good stewardship. Doubling the talents.

As these secular not-for-profits measure performance better, and as they set and achieve specific objectives, they see significant increases in their impact on the world. Ministries can too. In fact, some are enjoying that heightened impact this very day through their diligent use of carefully developed accountability measures. Prison Fellowship Ministries, Teen Mania Ministries, and Willow Creek Community Church all credit appropriate use of business concepts with generating growth and significantly improving their ability to impact the world for Christ.

Want more specifics? The May 2002 issue of *Harvard Business School's Balanced Scorecard Report* highlighted the transformation of Prison Fellowship Ministries immediately following the ministry's adoption of the balanced scorecard, a business tool designed to help disseminate and control

business measures that drive effectiveness. These measures go beyond typical financial metrics to include customer measures, internal business process measures, and learning and growth measures. While adopting the balanced scorecard required

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a significant cultural change at Prison Fellowship, the Chief Financial Officer, Robert Anderson, believes it has been well worth the investment. By identifying and measuring key drivers, and by disseminating this information throughout the organization, the ministry has been able to: 1) better focus its 280 employees by concretely linking department performance objectives to the overall strategy; 2) eliminate management tensions by identifying key ministry measures as a group; and 3) maintain standards and controls across 50,000 volunteers in 88 countries by communicating strategy and useful tools for achieving strategy. Additionally, the balanced scorecard provides specific by-department objectives and past results to share with donors. And donors want to see results.

Good stewardship requires good management. And, since you can't manage what you don't measure, good management requires good measurement. Those measurement systems come from organizations like NPI, from business tools like the balanced scorecard, and from stalwart board members willing to be counter-cultural for the Kingdom. They ultimately improve accountability and integrity, and that's something all ministries should be excited about. But even more than that, such initiatives can help ministries achieve greater impact with current resources by significantly improving organizational efficiency and effectiveness.

Ministries sensing that "there must be a better way" should investigate and begin experimenting with accountability tools like the balanced scorecard. It's anathema to God to leave talents buried when there are easily accessible opportunities that yield better results.

George Babbes, Ph.D., is an Associate Professor and Chair of the Not-for-Profit Program at the Regent Graduate School of Business. He also serves on the board of Teen Mania Ministries. For information about specific programs to improve accountability and to achieve measurable performance improvement, please contact Dr. Babbes at georbab@regent.edu.

TOOLKIT

Networking for Dummies

by Mark Begly

It's been a buzzword for two decades. Everybody talks about it. Most business people think it's important. But what, exactly, is *networking*? And isn't there something "wrong" with it from a Christian perspective? If not, how do I become better at this stuff?

"Networking" is the practice of building relationships for mutual gain. As a marketing guy, I do this daily – even hourly. It's my job to do lunch, to work rooms, to make valuable contacts and to then use those contacts to close deals.

Sound unctuous? It can be. A lot of Christians are uncomfortable with the practice because it seems so selfish. It seems to be exclusively about advancing our own agenda. About being slick and surreptitious. Or, less pejoratively, about using the contacts we have for self-promotion.

Much of networking is actually that way, as it's practiced in the world. But I'd maintain that there's nothing inherently immoral about networking. It's a tool, like a hammer is a tool, and tools are value-neutral. They can be used for good or for evil, for building a house or for hitting someone over the head. So the question then becomes: "How can we use networking for *good*?"

Here's how. Let's say you're walking into a party, or into some industry conference. You have a critical choice to make at the door. If you walk in thinking: "How can I serve

There's nothing inherently immoral about networking. It's a tool – a value-neutral tool – and as such, it can be used for good or for evil. Here's how to use it for "good."

other people and how can I advance God's Kingdom?" then you're ready to network in a way that honors God. That is, you're in a position to establish strategic relationships that help people and organizations meet their full potential. Alternatively, if your mind-set is: "How can I serve myself?" you're then at risk of using people to meet your quotas or reach other pragmatic ends. Consequently, you'll probably act like every other networking aficionado out there – objectifying people, cheapening God's children, perhaps marring the cause of Christ in the process.

This might sound like a subtle or even semantic distinction to you, but recognize that the implications of your attitude toward people are enormous. That attitude will ultimately

determine whether others see God in and through you. Moreover, the attitude you choose may also determine your success as a networker. Sure, you can make contacts and close deals with a self-serving mind-set. It happens every day. But with a servant's mind-set, you build more than short-term business and an overweight Rolodex. You build friendships – genuine, trusting relationships that blossom into new business, long-term business, and an even broader network, since people tend to refer those of empathy and integrity.

What might this "servant-oriented" networking look like in operation? Let me offer you some practical tips from my years of palm-pressing and card swapping.

- Before you enter any networking situation – a meeting, a social gathering, whatever – **start with prayer**. Pray to be led to people whom God wants you to meet and pray for the humility to see those people as God does, not as means to an end.
- **Take a genuine interest in the person with whom you are speaking**. Care about what she cares about. Get to know her and seek ways that you can truly serve her. One way to communicate this is to be authentically direct. Ask: "How can I serve

you?” or, in Christian circles, “How can I be a blessing to you?” Caution, though. If you don’t mean it, that will likely be transparent. So mean it.

- Relatedly, **look for common ground.** I often identify this through mutual acquaintances, shared interests, and general observation of the person. For example, when I walk into someone’s office, I look at the walls and bookshelves for clues of what this common ground might be.
- **Learn to ask open-ended questions.** An example: “How has your company addressed the challenge of ____?” That allows the other person some space to talk, rather than to offer mere one-word answers, as if he were on the witness stand.
- **Use the “tell me – sell me” approach.** Ask the person to tell you about himself or his business before offering the

services you have. Look for the **real** door that God is opening for service, instead of predetermining the door you’d like to kick open. And if you find that there isn’t a door at all, don’t ever go through a wall to make one.

Be authentically direct. Ask: “how can I serve you?” Caution, though. If you don’t mean it, that will be transparent. So mean it.

- **Make good notes after the meeting.** Don’t rely on memory alone. You’ll serve people better if you scribe their actual needs.
- **Follow-up and follow-through with details.** I’m convinced that this is where most would-be networkers fail. Set up a system to follow-up with your contacts. Also, be sure to follow

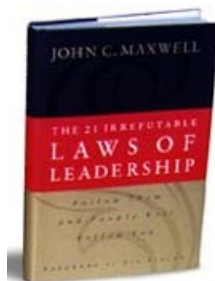
through on any promises you made. Doing the “little things” is often the difference between adequate and excellent.

- **Become an information junkie.** Information is a vital and powerful commodity and it will enable you to become truly skilled at networking. The more you know, the better you can serve.
- Lastly, **pray after your meetings as well as before them.** Bracketing your networking time this way will help safeguard you from the ubiquitous temptation to abuse the process for personal gain.

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BOOKSHELF

The 21 Irrefutable Laws of Leadership: Follow Them and People Will Follow You by John C. Maxwell (Thomas Nelson, 1998)



Everybody’s got some take on leadership today. And John Maxwell is no different in that respect. What *is* different about Maxwell, though, is that his recent title, *The 21 Irrefutable Laws of Leadership*, has outsold most other resources in this genre.

How has he achieved that? By paring down a lifetime of leadership study into a list of objective, learnable principles

– “laws” to use his terminology – each of which can strengthen our ability to lead. According to Maxwell, every one of these laws is like a double-edged sword, though. Each effects positive results when followed and negative results when ignored. So we’d be wise to heed all twenty-one.

A couple quick examples. Among Maxwell’s laws is “The

Law of the Lid,” which simply states that a person’s level of effectiveness is determined by his or her leadership ability. That is, to quote Maxwell, “to reach the highest level of effectiveness, you have to raise the lid [your leadership ability] – one way or another.” As an example, Maxwell relates the story of Dick and Maurice McDonald’s leadership troubles and how Ray Kroc’s vision and leadership ability rescued the company.

Another of Maxwell’s laws is “The Law of Empowerment” which states: “only secure leaders give power to others.” Violators of this law include Henry Ford and Henry Ford II. The positive personification of this law is Abraham Lincoln.

Such contrasts characterize Maxwell’s argumentation throughout the book. Page after page illustrates good and bad examples of leadership in an effort to show that these laws are real, timeless, even “irrefutable.” We should not break these laws, according to Maxwell, because they can surely break us.

While I do recommend Maxwell’s book, I caution that it will probably leave you thirsting for more. You may find yourself asking, like I did: “okay, now that I know where I need to improve, how do I get there?” I suspect that Maxwell would say that the answer is through practice. As he notes in his introduction: “Once you learn these principles, you have to practice them and apply them

to your life.” So if you choose to read *The 21 Irrefutable Laws of Leadership*, consider that reading to be a mere first step. Then take the other steps – all 21 of them – to ascend toward leadership excellence.

Review by Phillip Beavers. Phillip is an MBA candidate at Regent University and a Baan System Engineer with Buckman Laboratories International in Memphis, Tennessee. You can reach him at philbea@regent.edu

Under Cover: Your Secret Place of Freedom by John Bevere (Thomas Nelson, 2001)



You think your department should go one way with a critical decision. Your boss disagrees. Then, as if losing that battle were not enough, your boss appoints you to implement his decision! What do you do?

It happens every day in workplaces around the world, especially for Christians. We have some human authority over us and we don’t always like what they want us to do. When is it appropriate to say “no”? Certainly sometimes, right? Doesn’t scripture say that we are to pursue only

God’s will and to resist worldly thinking and decision-making? But wait a minute. Doesn’t the New Testament also make clear that God has put people in authority over us and that we are to submit to their God-ordained authority?

Hmmm. I’ve been there and maybe you have too. So has John Bevere, author of *Under Cover*, a book that may help us sort out this quandary.

No, this is not a book about going “undercover” to figure out ways of getting your boss to do the right things after all. Rather, it’s about remaining under God’s protective covering as we face the crossroad situation.

Our starting point, according to Bevere, is to recognize that God knows who’s in charge and He has, in fact, appointed that person to be in charge. Yes, that even applies to ungodly, evil authorities (remember, God appointed Pharaoh). So we must respect God’s sovereignty when we are under some human authority. If we believe scripture, then we believe God has chosen that leadership.

Now, we may not understand or agree with the decisions and strategies of the leader, but that’s immaterial, says Bevere. Once we have respectfully presented our disagreements – and if the decision is not immoral or illegal – then we need to submit to, support, and carry out the decision of the leader. That’s the default for Christians.

According to Bevere, we western Christians are not very good at accepting this theology. Our perspective of authority is influenced by our governing systems and practices. We're marinated in democracy, accustomed to government of the people, by the people, and for the people. That mind-set – that cultural indoctrination – Bevere, claims, is an obstacle to following God's will in authority situations. What God really wants is for us to remain under His covering while we follow leaders with whom we disagree.

Intriguing, controversial stuff, isn't it? But the controversy doesn't stop there. Bevere asserts that when we do rebel, resist, or refuse our authorities, we're also rebelling against God. "Since

God has appointed all authorities, we refuse the authority behind them if we dishonor or refuse to submit to them. Whether we know it or not, we resist the ordination or rule of God. When we oppose God's delegated authority, we oppose God Himself!" (p. 88). For Bevere, this is merely an echo of Romans 13: "Let every soul be subject to the governing authorities. For there is no authority except from God, and the authorities that exist are appointed by God. Therefore whoever resists the authority resists the ordinances of God, and those who resist will bring judgment on themselves" (verses 1-2).

Indeed, there are exceptions, for instance, the aforementioned "immoral or

illegal" category. But in practice, those exceptions are narrow and rare. What we should be about as Christians is dependence – seeking God's direction in the face of life's challenges. We should be "Under Cover" rather than undercutting.

It's a good read, an important read. And, if you're like I am, it may bring some refreshing clarity to dealing with conflicts both in and out of the workplace.

Reviewed by Diane Wiater, Ph.D. Dr. Wiater is an Associate Professor and the Assistant Dean of the Regent Graduate School of Business. You can reach her at dianwia@regent.edu

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Zap The Assumption Gap

by Dan Chamberlin

Salli and I are the pre-marital counselors for our church, as laughable as that may sound, given our well-advanced years! One of the devices we use with engaged couples is an audit of their assumptions. It is a long list of statements with an opportunity for each partner to answer: “Strongly agree,” “Agree,” “Undecided,” “Disagree,” or “Strongly disagree.” The list contains statements such as: “I think we will never have problems in our marriage,” “We have discussed and agree how children should be disciplined,” and “In marriage, the husband should be as willing to adjust as the wife.”

After both have finished the list independently, we take their answer sheets and note those statements on which they are two answers apart – e.g., she answers “Agree” and he answers “Disagree,” – or worse, where they are three apart (“Strongly agree” / “Disagree”). Of 126 statements, we spend the remaining weeks gently introducing the areas and topics represented by these disparate answers into their discussions with us. Although we have counseled many couples over the years, I am still amazed at the failure of even the most sincere, devout and committed couples to realize the philosophical gulfs that exist between them.

I shouldn’t be. Clint Eastwood spoke for us all when he uttered those immortal words, “What we have here is a failure to communicate.” Worse, we often don’t even realize where these communication gaps exist. Let me give you a quick example from the business world.

It might be useful to take an “assumption audit” in your organization – or even in your home

Consider expectations upon hiring (a.k.a. “the implied contract”): you are hired to be the marketing director of a company. Where your office is, how many staff you inherit, and your salary and perks are all pretty clearly spelled out. But did you and your boss discuss and agree *specifically* on the definition of your responsibilities? On the extent of your authority? On the specific criteria on which your performance will be evaluated? I’ll bet not. We assume “everybody” knows that already – they are all “understood” within the job title of marketing director. Understood by whom? Unless the understanding is both specific and mutual between superior and subordinate, there is no understanding. We can’t have an understanding if you are the only one of us who understands.

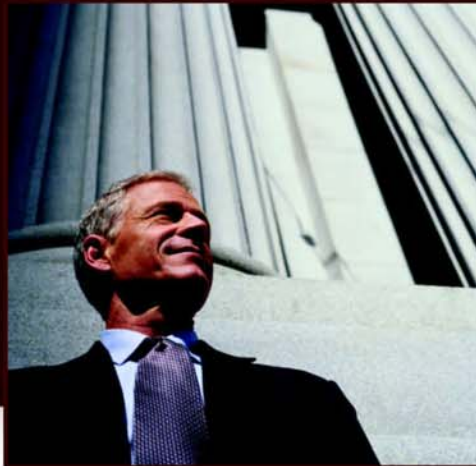
As daunting as it sounds, it might be fun – even revelatory – to undertake an “assumptions audit” in your company or organization. Try some statements not unlike those Salli and I use in the marriage audit, but with a business focus. Try these, for example: I know exactly what is expected of me in this job. My boss has made clear to me what he/she considers those aspects of my work on which I need improvement. I am never in doubt about when my work is due. I know on what bases I will be considered for promotion. However, be sure that you, as boss, take that audit yourself (e.g., “my subordinates know exactly what is expected of them in the job,”), and then compare your answers concerning each individual with the answers given by that person.

Those assumption gaps are pretty scary, aren’t they? Might there also be some assumption gaps at home, with your spouse? With the kids? Try this powerful exercise soon. Trust me, it’ll yield more than interesting dinner conversation. It may avert an eventual visit to the church counselor.

Dan Chamberlin is an Associate Professor of Management at the Regent Graduate School of Business and a former senior executive at four large consumer package goods companies. You can reach him at danicha@regent.edu

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