



CHRISTIAN LEGAL SOCIETY

---

# Church Guidance White Papers

- 2** *Practical Legal Steps to Address Same-Sex Issues and Related Nondiscrimination Laws*
  
- 12** *Sample Church Bylaw Language*
  
- 13** *Marriage/Sexuality Issues Sample Doctrinal Language for Churches*
  
- 16** *Sample Wedding Policy*
  
- 17** *Sample Facility Use Policy*
  
- 19** *Sample Employee Handbook Language*

# *Practical legal steps to address same-sex issues and related nondiscrimination laws*

Many CLS members are regularly asked by their churches and other religious organizations to provide legal guidance, as well as to connect them with other appropriate resources. The need is steadily growing with respect to changing laws and cultural standards affecting marriage, sexual orientation and gender identity laws, and related issues for religious liberty protection. In response, CLS has embarked on a new project known as “Practical Legal Steps to Address Same-Sex Issues and Nondiscrimination Laws” (“PLS,” for short), to respond to such need through CLS’s own unique voice (and rather than to refer such inquiries to other organizations and/or to handle them in an ad hoc manner). CLS’s PLS project is thus aimed at helping Christian organizations and their leaders achieve the following goals: (1) to protect their organizational and personal constitutional freedoms; (2) to fully live out their religious beliefs regarding human sexuality while taking reasonable steps to minimize legal risk; and (3) to do so with integrity and winsomeness for Christ.

The PLS guidance will consist of a multi-step process whereby CLS will provide separate written general guidance for churches, Christian schools, and other faith-based Christian organizations. In addition, CLS will sponsor multi-session webinars providing further guidance, starting in July 2015. Due to the specific legal considerations for each type of these Christian organizations, separate but closely related guidance seems best. Each set of materials is being developed by a group of qualified attorneys and legal scholars, in collaboration with each other and CLS. The following materials are the first set, consisting of general guidance and accompanying sample language for churches.

The issues are complex—both deeply theological and with extensive legal implications. Many organizations may not have the financial wherewithal to seek out attorneys for customized legal guidance, or they may not be aware of how to find attorneys knowledgeable in the areas at issue. While many potential legal and factual variations may exist that preclude more than general guidance, CLS’s materials seek to be helpful in the following ways: (1) to educate religious leaders on current legal issues; (2) to provide trustworthy and practical recommendations for addressing these issues responsibly; and (3) to provide additional resources such as sample language as attached here. Through such efforts, CLS seeks to uphold its reputation as a high-quality resource for Christian attorneys, law students, and Christian organizations.

One last word on timing: We all know that the US Supreme Court will be issuing its same-sex marriage very soon. The Court’s decision may well contain language affecting our religious liberties and therefore may warrant some updating, which will be done through CLS’s online materials. For the present, the following guidance shows the importance of learning about these critical legal issues, planning now for church board attention and/or agenda room to address these issues, checking up on current governance documents practices and how

## **DISCLAIMER**

*This memorandum is provided for general information purposes only and is not a substitute for legal advice particular to your situation. No recipients of this memo should act or refrain from acting solely on the basis of this memorandum without seeking professional legal counsel. The Christian Legal Society and any of its partners expressly disclaim all liability relating to actions taken or not taken based solely on the content of this memorandum.*

*For specific legal advice, which will be needed, please see attorney referrals at [www.christianlawyer.org](http://www.christianlawyer.org).*

© CLS—Practical Legal Steps for Churches; June 2015

they may need adjusting. In short, the message to church leaders (and attorneys connected to them) is: “Get ready!”

## **A. Introduction**

Churches, faith-based nonprofits, and individual Christians are under tremendous societal pressure these days to acquiesce to changing cultural standards regarding sexuality, including same-sex marriage, claims of lesbian/gay/bisexual/transgender (LGBT) discrimination, and other sexual orientation/gender identity (SOGI) issues. As believers, we are called to live under God’s authority and with a consistent understanding of Biblical truths about human sexuality. But such truths seem to be increasingly colliding with so-called “social equality” rights pushed by very vocal proponents. Consequently, Christians’ religious liberty and that of their churches and other organizations may be imperiled, such as through new laws that do not provide adequate protections for religious persons and “test” cases seeking to push the limits of existing laws.

The following materials are intended to help churches navigate through the legal minefields of sexuality-related issues, particularly in light of our rapidly shifting cultural norms and accompanying legal changes. Separate guidance materials will be available soon for other faith-based organizations including Christian schools, nonprofits and related religious organizations, for which related but distinctly different legal considerations may apply. Further updating may be provided through CLS’s online materials, particularly in light of the US Supreme Court’s forthcoming decision on same-sex marriage.

This guidance is not intended to substitute for legal counsel specific to a church’s own circumstances and geographic location, particularly since applicable federal, state, and local laws vary widely. Consequently, it is highly recommended that knowledgeable nonprofit legal counsel be sought for such specific questions and particular issues. CLS can provide referrals at [www.christian-lawyer.org](http://www.christian-lawyer.org). Our aim for these materials is to help organizations to achieve the following goals: (1) to protect their organizational and personal constitutional freedoms; (2) to fully live out their religious beliefs regarding human sexuality, while taking reasonable steps to minimize legal risk; and (3) to do so with integrity and winsomeness for Christ. (See, e.g., Colossians 3:12: “Put on then, as God’s chosen ones, holy and beloved, compassionate hearts, kindness, humility, meekness, and patience . . .”)

## **B. What Could Go Wrong?**

What legal problems exist for churches due to same-sex marriage and other LGBT and SOGI issues? Picture the following scenarios:

1. The church phone rings, and the administrative pastor answers. “Does your church perform same-sex weddings?” What happens next? Is the church required to open its doors to all?
2. A regular attender who professes to be a Christian wants to join the church as a member but the church has a statement of faith that “loves the sinner but hates the sin” as regards to same-sex marriage and sex outside of marriage

between one man and one woman. If the church denies membership, will that be legally permitted?

3. A church hires a new communications director, who later discloses that she is living with a lesbian partner. May the church legally discharge her?
4. A church pastor admonishes congregants to refrain from homosexual activities, preaching from I Corinthians 6:19-20 and Romans 1 (“You are not your own, for you were bought at a price.”) Could the pastor be accused of “hate speech”?

As illustrated by the above examples, churches face potential legal issues when they address matters of facility usage, employment, membership (freedom of association), and even free speech.

In the first example, if a church allows non-members to get married and/or without any evaluation of whether the engaged man and woman agree with the church’s doctrine, the evolving legal argument is that same-sex couples should equally have a right to get married at that church.. Such right of access has already been judicially recognized within the private sector (at least at the initial trial court level), with floral, photography, and bakery businesses held liable as “public accommodations” for refusing service to same-sex couples notwithstanding their religious objections. On a practical level, the tremendous surge of hostile publicity surrounding these business cases is daunting. Thus far, no US church has been legally required to open its facility for same-sex weddings, but churches definitely could take steps to make that outcome more legally assured and less subject to such public relations nightmares.

With respect to the communications director example, the question likely will boil down to whether a resulting employment termination (a) amounts to illegal sexual orientation discrimination or (b) is protected by a religious exemption. The more clearly the church can show that its employees are required to follow a Biblical code of conduct or other religious doctrine prohibiting homosexual activity, the more likely it will be that a religious exemption will apply. It also may be critical, if not at least helpful, to develop this position as a bona fide “ministerial” job, as explained below.

As for the fourth (sermon) example, speech-related freedoms may be challenged as well, as exemplified by the 2014 Houston mayoral subpoena issued for pastors’ sermons that related to homosexuality or gender identity, ostensibly in connection with political activity issues. Thankfully, the subpoena was withdrawn. Some pastors even reportedly responded with the Gospel full-force, by sending a plethora of sermons to the mayor’s office. While this case may be troubling in very practical terms, keep in mind that the First Amendment’s free speech clause provides blanket constitutional protections in such contexts.

### **C. What Do Organizational Leaders Need to Know?**

Our country’s historical and legal heritage highly values religion and free speech—particularly so when individuals’ beliefs are sincerely held, reflected in their creeds, and lived out consistently. But if a church’s religious doctrine does not seem to matter to the church itself, why should it be allowed to invoke religion (and accompanying constitutional religious liberty protections) as a shield or legal exemption against people who believe differently? One critical answer is that religious doctrine most definitely should matter, as reflected in both words (what is contained in the organization’s charter documents and policies) and

deeds (what they actually do). Here's why words and actions do matter, from a legal standpoint.

### *1. Changing Legal Protections for Same-Sex Marriage*

In 2013, the U.S. Supreme Court struck down as unconstitutional the Federal Defense of Marriage Act, which defined marriage as a legal union between one man and one woman, in *United States v. Windsor*. Consequently, federal law may no longer prohibit same-sex marriage. In *Windsor's* wake, several lower federal courts have likewise struck down state same-sex marriage prohibitions. One notable exception was the Sixth Circuit's late 2014 decision in *Obergefell v. Hodges* and three related cases, which ruled on federalism principles that states may define "marriage" as they wish, including in terms of one man and one woman.

On January 16, 2015, the U.S. Supreme Court granted review of these cases on a consolidated basis. Briefs have now been filed, oral argument has been heard, and a decision is expected in late June 2015. The cases are limited to the following questions: (1) Does the Fourteenth Amendment require a state to license a marriage between two people of the same sex; and (2) Does the Fourteenth Amendment require a state to recognize a marriage between two people of the same sex when their marriage was lawfully licensed and performed out-of-state?

Churches are therefore prudent to consider how same-sex marriage rulings may impact their religious liberties. In particular, as described below, they may wish to make their doctrinal position on sexuality more express in their governing documents, address wedding and special event practices, and develop or upgrade facility usage and employment policies.

### *2. Increasing SOGI Protection in Public Accommodations, Housing, and Employment*

While sexual orientation and gender identity ("SOGI") are not yet protected classes under most federal laws, many states and local jurisdictions have passed laws making sexual orientation and/or gender identity protected classifications. Generally speaking, such laws make discrimination on the basis of sexual orientation illegal with respect to three legal issues: 1) public accommodations; 2) housing; and 3) employment. Narrow exceptions may exist for churches (as well as for smaller-sized employers), but not typically for other faith-based organizations generally.

On the other hand, as of June 2015, over half of the states and many local jurisdictions do not have laws that recognize sexual orientation or gender identity as protected classifications. Whether such laws exist in a church's state or local jurisdiction is very important in determining what churches are legally required to do. Even so, it is wise for churches in such locations to take the steps mentioned below, particularly in light of current general trends favoring such new laws.

The term "public accommodation" generally means property that is made open to the public, such as stores, restaurants, and hotels. To date, a U.S. church has not been deemed to be a "public accommodation." By contrast, educational facilities may be considered to be places of public accommodation, and community centers, camps, museums, and parks may be as well. Accordingly, serious concern may be justified for churches and church-related facilities, particularly if they liberally open their doors to others or meet in public schools or other public

places for worship. Therefore, it may only be a matter of time before a litigant seeks to include churches within the definition of “public accommodation.”

Employment issues are more developed for religious organizations including churches. Churches have at least two basic federal protections for their employment decisions. First, the federal law known as Title VII allows churches to require all employees to conform to their religious doctrine. In other words, churches may “discriminate” on the basis of religion in their employment practices as to all employees. But notably such federal protection applies only for federal discrimination claims; it does not protect against claims brought under state or local discrimination laws, for which similar protections may or may not exist.

Second, with respect to any discrimination claim, churches have much broader leeway in making employment decisions regarding employees who are “ministers” in the church. The U.S. Supreme Court affirmed churches’ religious freedom protections under the “ministerial exception,” in *Hosanna-Tabor Evangelical Lutheran School & School v. EEOC*. In that 2012 decision, the Court barred a disability discrimination claim by a teacher at a church school, thereby recognizing that churches must be left alone with respect to their own “minister” employment matters. Consequently, defining staff members (such as the youth or children’s director in the above example) as “ministers,” along with accompanying Biblical standards requirements, may significantly promote religious freedom and protect against legal liability.

#### **D. Practical Applications**

Most importantly for religious liberty protections, churches need to show that they have a sincerely held religious doctrine that includes Biblical standards for sexuality to which they adhere. As noted above, this advice translates into the following checklist for upgrading a church’s documentation and ministry practices. Churches need to not only have these board-approved policies but they need to make sure that they are actively following them in actual practice. No lip service.

##### *1. Check the corporate charter and bylaws, and modify as needed.*

A key starting place is a church’s governing documents: its articles of incorporation, constitution, bylaws, and written policies. A church’s articles of incorporation should contain a religious purpose statement, such as to promote the gospel of Jesus Christ through worship, evangelism, and discipleship. A church’s bylaws and/or constitution should contain such purpose statement as well as a detailed statement of faith that contains doctrinal language reflecting Biblical standards for sexuality in all of its dimensions, not just regarding homosexuality, and preferably with specific Scripture references. If a church does nothing else to guard itself against religious liberty encroachment, this fundamental measure may provide significant legal protection. See sample doctrinal language on marriage and sexuality.

In addition, churches should have strong membership provisions in their bylaws, including mandatory Christian dispute resolution outside of the court process. Churches should make membership requirements consistent with their religious doctrines to help members understand what they believe about sexuality, and why. Such governing document changes and educational efforts will strengthen the organization overall and help members grow in their faith and

understanding. In addition, they may help avoid potentially awkward or embarrassing situations, such as an LGBT membership applicant who is unwilling to renounce homosexual activities. Churches should also consider including in their members covenant and/or member application, which are signed by the prospective member, a phrase that has the member agree to abide by the governing documents, including but not limited to the statement of faith, Christian dispute resolution, and discipline provisions. See sample bylaw language.

The governing documents should also be clear as to where the spiritual authority to make decisions on different issues resides. As a general rule, courts are not supposed to second-guess churches' spiritual decision-making, so it is important to make clear who has the spiritual authority on an issue. For example, the minister or the governing board may be the spiritual authority in deciding whether a person may become, or remain, a member of the church. The minister or the governing board may be the spiritual authority for deciding whether a particular use of church property (for example, a particular wedding or reception) comports with church doctrine. The spiritual authority for making decisions may vary within the same church depending on the particular issue. But the policies should be clear as to where the final spiritual authority on a particular issue is within the church.

*2. Develop a facility use policy, along with written use agreements.*

To protect against a "public accommodation" legal challenge, churches should have a written facility use policy including a requirement that their facilities may be used only for purposes and in ways consistent with their doctrinal beliefs as found in the Bible and the church's governing documents, particularly with respect to sexuality and other conduct. A church's permitted uses need not necessarily all be worship or Bible study, but they should at least be in furtherance of the church's religious mission (e.g., outreach to the homeless or to teens needing a safe refuge, etc.). A statement that the facility uses will be in accordance with the Bible is better than no statement, but it is wise to be more specific about how the church understands the Bible's teachings on specific issues that might arise with references to the Bible and specific church governing documents. See sample facility use policy.

In addition, a church should have written agreements with each user of its facility (whether long-term or short-term, whether paid or unpaid). Such agreement should include language reflecting how such facility use ties into the church's mission and understanding of Biblical teachings. In addition, the agreement may include other key considerations such as allocation of responsibilities, fees charged (if any) and other typical provisions for any space usage agreement (as may be developed by qualified legal counsel). In particular, a practice of charging fees may have resulting implications regarding "public accommodation" and property tax exemption issues, both of which warrant careful evaluation by experienced legal counsel. A specific explanation of the use to which a fee may be important, such as to cover facility wear and tear, janitorial services, and insurance costs.

*3. Develop a wedding/special event policy.*

Churches need to have religious standards for all weddings—not just events for their members (as well as for other special events like funerals and baptisms). By comparison, if a church allows couples to get married at its facility without any inquiry as to their religious beliefs, then the proverbial door may open to the

legal argument (albeit not yet successfully asserted) that the church is instead a “public accommodation” and therefore subject to such sexual orientation discrimination prohibitions. But if a church believes that its ministry should include marrying couples that do not share its religious beliefs, then it is important that its policy explain the church’s religious beliefs as to why it is better for non-church couples to marry than not to marry, and why those religious beliefs apply to heterosexual couples but not homosexual couples.

To reduce the risk of getting caught up in such potential claims, a church should develop a wedding policy (and/or bylaw amendment) that includes religious elements reflective of Biblical teachings. It may be helpful as well not to charge money for weddings, except for janitorial or related facility usage expenses. Any additional cost for pastoral services may be better absorbed into the pastor’s overall salary, or through donations from the married couple. Counseling requirements may be helpful as well, again to reflect a church’s religious standards and beliefs surrounding marriage. See sample wedding policy.

*4. Update employment policies and practices to clearly reflect the church’s religious identity, especially on marriage and sexual issues.*

Churches should reflect their religious nature in their employment documents and practice. Potential options include identifying religious aspects in written job descriptions, inserting statements of faith or other doctrinal language contained in employee handbooks, and using written codes of conduct, regular prayer time at staff meetings, and other religious practices on a day-to-day basis. See sample employee handbook language. Specifically, written explanations of each position’s religious significance, the religious requirements of the job, and the religious standards of conduct for the employee should be written into job notices, applications, job descriptions, employee contracts, employee handbooks, employee reviews, and termination documents. Employees should be required to sign documents on an annual basis indicating that they agree with the church’s beliefs, standards of conduct, and all religious requirements of their position, and understand that violation of such standards constitutes cause for termination of their employment.

Biblical standards regarding sexual behavior (not just related to SOGI) should be expected and followed for all employees, with appropriate accompanying staff training. In addition, employees should be required to submit to the church’s disciplinary protocols as a condition of employment, such as using Christian mediation and arbitration for all disputes. See sample bylaw membership and Christian dispute resolution language (citing Matthew 18 and I Corinthians 6).

Ministry staff should be identified as “ministers” to the degree appropriate. Employment documents and other church documents should describe in detail the substantial religious dimensions of their job duties (e.g., children’s teachers, music directors in charge of worship) and should provide the biblical basis for the church’s understanding of the ministerial role the employee performs. The training required to be a minister should be described and met by employees.

The above safeguards may be particularly helpful because under federal (and some state) laws, a “ministerial” position is generally exempt from anti-discrimination prohibitions. Further lessons from the Supreme Court’s *Hosanna-Tabor* decision for qualifying a position as “ministerial” (but again subject to other potential state law restrictions) are as follows: (1) include an objective rationale (e.g., per Scripture and/or church history) in written job descriptions; (2) use job



titles that incorporate “ministerial” aspects; (3) use job descriptions and performance criteria that support a “ministerial” designation (e.g., a choir director is to consider specific sermon topics in deciding on worship anthems); (4) reflect ministerial criteria in job evaluations and disciplinary standards; (5) require a ministerial employee to affirm in writing (e.g., in contract, annually) his or her agreement with the church’s religious doctrine and willingness to abide by the church’s standards of conduct as a condition of employment; and (6) require such employee (as well as all other employees), to affirm in writing his or her agreement to abide by the alternative dispute resolution mechanism that the church requires and the biblical basis for the requirement.

*5. Consider the impact of church ministry programs.*

Does your church operate a community center or other program, perhaps open to all community families as an outreach ministry? If so, developing it into a separately formed organization may be a good idea not only for risk management purposes but also to guard the church against “public accommodation” arguments. On the other hand, per the above considerations for “ministerial exceptions,” it may be better for the ministry as a whole to maintain the program in-house. Careful attention to both current applicable laws and potential future legal issues is thus particularly critical, with guidance from experienced legal counsel.

The legal argument goes something like this: (1) Johnny has two dads, and they want him to attend a church’s community center programming; (2) the term “public accommodation” may include community centers; (3) the church-run community center generally allows all families who can pay to send their children; (4) so the church-run community center must be a “public accommodation” and therefore required to admit Johnny. Furthermore, now that Johnny is enrolled (which a church may desire, as part of its outreach), Johnny’s two dads now want to get married—at the church. Now what? Would the church facility be a public accommodation too? Not under current law, but a legal challenge could well be on the horizon.

Alternatively, the ministry program’s admission policy could be stricter and consistent with the church’s statement of faith. But that could render the program more of a “covenantal,” insider model, instead of an outreach. Such a constrained approach thus may be challenging, when contrasted with a church’s overall ministry to be welcoming, especially to the unchurched, seekers, and unbelievers.

A balanced approach on separately incorporating the ministry or not thus must be considered to maximize risk management protection as well as to enjoy greater religious liberty protection. Such complex legal and theological considerations should be evaluated carefully under applicable state law and the specific church’s needs and goals.

*6. Consider housing laws, too.*

Some churches engage in ministry-based housing programs, which may or may not fall within religious exemptions. For example, in Illinois a rental housing ministry is subject to SOGI discrimination laws, unless the housing is provided only to people sharing the same faith. That is helpful to some extent, but it ignores the outreach ministry aspects of many such programs. A church may

thus need to carefully develop its housing program to meet both legal requirements and its own ministry goals.

*7. Train paid staff and volunteers on the proper implementation of policies.*

A church may have good written policies, but their usefulness may be diminished if all staff and volunteers have not been thoroughly trained in implementing those policies. The person who answers the phone and answers the general public's questions often is a volunteer unfamiliar with the church's written policies and untrained in talking about sensitive issues. Volunteers should be trained to immediately refer questions about reserving the church for weddings, reserving facilities of various uses, membership or church doctrine on matters of sexuality, to a trained staff member. The staff member also needs to be trained in all the church's policies and know who the proper spiritual authorities are on various matters. Both volunteers and staff need to be trained not to guess at answers but to err on the side of telling the person that someone else will have to return the call at a later time.

*8. Preach and teach on Biblical sexuality.*

The Bible is full of teachings about sexuality, including the creation story, Old Testament stories about consequences of sexual sin, the church as the bride of Christ, divorce, admonitions against sexual immorality, and the joys and disciplines of Biblically-ordained marriage. Through such teachings, believers have much to learn about our loving God, His plans for our lives, and our role in serving Him with our whole bodies, minds, and hearts. Such teachings also should help protect a pastor from accusations of insensitivity to LGBT individuals and instead demonstrate his or her sincerely held and far broader religious beliefs. Of course, it is critical that such teachings be done with thoughtfulness, compassion, humility (with due regard for our fallen human condition), hopefulness, love, and above all—the Gospel message of salvation through faith in Jesus Christ.

*9. Consider political involvement.*

Our elected leaders are people too, and they need to hear from their constituents. Consequently, church members should consider contacting their legislators about moral aspects of pending laws or other legislative matters. In addition, believers should consider Biblical standards when voting for political candidates. One important caveat for churches and other nonprofits: be careful with political campaign prohibitions and lobbying restrictions for nonprofits. Political campaign activity may be done personally but is absolutely prohibited for churches and other nonprofits. Lobbying may be done corporately but only to a limited extent.

*10. Seek legal counsel.*

The legal guidance can only be provided on a general level. Accordingly, churches are encouraged to seek out attorneys who are knowledgeable and experienced in these legal areas, for specific application within their own jurisdictions and suited to their own organizational structure, programs, and concerns. The Christian Legal Society maintains a list of attorney members, with specified areas of legal practice in specific jurisdictions, including those who practice in the areas

of nonprofit organizations, constitutional law (religious liberty, free speech), and employment. See [www.christianlawyer.com](http://www.christianlawyer.com) for further information.

*E. Concluding Remarks*

The legal landscape continues to evolve, but God is unchanging. So stay tuned to the news, and keep living out your faith. Remember that nothing is too hard for the Lord. (Gen. 18:14). Regardless of what a church may or may not do to protect its religious liberty interests, God can provide a hedge of protection for believers. Correspondingly, however, as Christians we are to expect persecution for our beliefs and actions. So we need to remain prayerful, act prudently, and continue seeking Godly guidance.

*DISCLAIMER*

*This memorandum is provided for general information purposes only and is not a substitute for legal advice particular to your situation. No recipients of this memo should act or refrain from acting solely on the basis of this memorandum without seeking professional legal counsel. The Christian Legal Society and any of its partners expressly disclaim all liability relating to actions taken or not taken based solely on the content of this memorandum.*

*For specific legal advice, which will be needed, please see attorney referrals at [www.christianlawyer.org](http://www.christianlawyer.org).*

# *Marriage/Sexuality Issues Sample Doctrinal Language for Churches*

The following language provides a sample church doctrinal statement for addressing marriage and related sexuality issues, to be approved by the church's governing body and used in its key governance documents, such as its constitution or bylaws. The language may be further tailored as a church's leadership may wish, in accordance with Biblical standards and accompanying Biblical references. Denominational churches should also communicate with their headquarters to obtain sample doctrinal statements that may have been prepared specifically by their denomination. Some statements regarding sexuality issues may also be found on the CLS website at [www.christianlawyer.org](http://www.christianlawyer.org).

*“We believe that God has established marriage as a lifelong, exclusive relationship between one man and one woman and that all intimate sexual activity outside the marriage relationship, whether heterosexual, homosexual, or otherwise, is immoral and therefore sin (Gen. 2:24-25; Ex. 20:14, 17, 22:19; Lev. 18:22-23, 20:13, 15-16; Matt. 19:4-6, 9; Rom. 1:18-31; I Cor. 6:9-10, 15-20; I Tim. 1:8-11; Jude 7). We believe that God created the human race male and female and that all conduct with the intent to adopt a gender other than one's birth gender is immoral and therefore sin (Gen. 1:27; Deut. 22:5).”*

## DISCLAIMER

This memorandum is provided for general information purposes only and is not a substitute for legal advice particular to your situation. No recipients of this memo should act or refrain from acting solely on the basis of this memorandum without seeking professional legal counsel. The Christian Legal Society and any of its partners expressly disclaim all liability relating to actions taken or not taken based solely on the content of this memorandum.

For specific legal advice, which will be needed, please see attorney referrals at [www.christianlawyer.org](http://www.christianlawyer.org).

© 2015 Christian Legal Society—Sample Doctrinal Language

# Sample Church Bylaw Language

The following language provides sample church bylaw language for addressing marriage and related sexuality issues, to be approved by the church's governing body. The language may be further tailored as a church's leadership may wish. Such additional considerations are noted below in bracketed italics.

**A. Doctrine** [*See sample doctrinal language, at left.*]

## **B. Church membership.**

The Church shall have members who affirm its Statement of Faith [*or other expression of doctrinal beliefs*] through a written membership covenant or otherwise, as the Church's governing body may direct. [*Need to have a written membership covenant or other prescribed mechanism for members' affirmation of faith. Bylaws typically also provide for membership qualifications, voting rights, procedures for membership admission and removal, and decision-making authority regarding such matters—e.g., within the governing board's authority, pastoral authority, or a combination thereof.*]

## **C. Church discipline of members.**

[*The following is a sample disciplinary provision, which should be adapted as appropriate for church-specific goals and usage.*]

The Church is a body of Christian believers who hold certain beliefs and standards in common. On occasion, members of the Church may conduct themselves in a manner contrary to Biblical standards and the Church's corresponding Statement of Faith. It shall be a high priority for the Church to restore such persons into conformity with the fellowship as outlined in Matthew 18:15-17. The discipline of the Church shall be entrusted to the Board of Directors. If Biblical discipline is necessary, the Pastor and the Board of Directors have the authority to place individual(s) under church discipline (including termination of membership).

## **D. Dispute resolution**

[*The following is a sample dispute resolution policy, which may be adapted for church-specific usage.*]

The Bible commands that people make every effort to live at peace and to resolve disputes in private or within the Christian church body (Matthew 18:15-20; 1 Corinthians 6:1-8). In addition, a common interest exists in preventing and resolving any misunderstandings or differences that may arise between two or more persons operating under the authority of these Bylaws, including the Church's members, employees, staff, volunteers, and attendees. Therefore, in

### DISCLAIMER

*This memorandum is provided for general information purposes only and is not a substitute for legal advice particular to your situation. No recipients of this memo should act or refrain from acting solely on the basis of this memorandum without seeking professional legal counsel. The Christian Legal Society and any of its partners expressly disclaim all liability relating to actions taken or not taken based solely on the content of this memorandum.*

*For specific legal advice, which will be needed, please see attorney referrals at [www.christianlawyer.org](http://www.christianlawyer.org).*

© 2015 Christian Legal Society—Sample Bylaw Language

the event such a conflict may arise, the parties to the dispute shall resolve it as follows:

*1. Private Resolution.*

The parties first in good faith shall seek resolution of the conflict personally, confidentially, and directly with each other. Such process should include: (a) prayer, (b) statements by each person, explaining and clarifying the issues involved; (c) opportunities for the other person to respond; (d) a discussion of each party's responsibility; (e) application of relevant Biblical principles; (f) a discussion of appropriate solutions; (g) agreement on a solution; and (h) closing comments and prayer.

*2. Mediation.*

If the parties cannot satisfactorily resolve a conflict privately, then either party to the conflict may request mediation.

- (a) The parties shall promptly retain a mutually-agreed upon neutral mediator who will agree to utilize biblically-based conflict resolution principles. The goal of the mediation process and the mediator is to bring about an amicable, voluntary resolution of the dispute, and the parties shall make a good faith effort to work with one another and the mediator to effect such a resolution of their dispute.
- (b) Such mediator shall be retained from a reputable source or organization such as the Institute for Christian Conciliation (headquartered in Billings, Montana), the Lombard Mennonite Peace Center (located in Lombard, Illinois), or the Center for Conflict Resolution (located in Chicago, Illinois).
- (c) In the event that the parties cannot agree on a mediator, then each party shall select a mediator. The two individually selected mediators shall jointly identify a third mediator, who then will be responsible for facilitating a binding resolution of the parties' dispute at a mutually agreed upon time and place.
- (d) The mediation shall be conducted in accordance with the rules of the organization from which the mediator who facilitates the parties' dispute is retained. Notwithstanding the foregoing, any and all mediation conferences shall be private and all communications therein confidential unless the parties otherwise agree.
- (e) The fees and costs of the mediator who facilitates the mediation shall be borne equally by the parties. The fees and costs of any mediator whom a party retains individually shall be borne by that party.
- (f) The mediator shall have sole discretion to make the determination that the parties have reached an impasse and no voluntary resolution will be forthcoming.

*3. Arbitration.*

If the parties cannot reach a resolution through mediation, and the mediator makes the determination that the parties have reached an impasse and no resolution will be forthcoming, the parties shall submit the matter for arbitration.

- (a) Each party to the dispute shall select an impartial, disinterested person to be part of the arbitration panel.
- (b) The persons so selected shall appoint one or more additional person(s) as may be necessary to provide an odd numbered arbitration panel and such additional person(s) shall be similarly qualified as to all of the parties in conflict.
- (c) When the arbitration panel is assembled the parties in conflict shall be permitted to present evidence and arguments in support of their position and the panel shall deliberate as necessary to resolve the problems. The panel's arbitration decision shall be in writing.
- (d) Compensation for the arbitration shall be paid equally by the parties.

These methods shall be the sole legal remedy for any controversy or claim arising out of these Bylaws. No party shall bring any dispute under these bylaws to any court of law or chancery except to enforce a mediation agreement or arbitration decision.

**DISCLAIMER**

*This memorandum is provided for general information purposes only and is not a substitute for legal advice particular to your situation. No recipients of this memo should act or refrain from acting solely on the basis of this memorandum without seeking professional legal counsel. The Christian Legal Society and any of its partners expressly disclaim all liability relating to actions taken or not taken based solely on the content of this memorandum.*

*For specific legal advice, which will be needed, please see attorney referrals at [www.christianlawyer.org](http://www.christianlawyer.org).*

# Sample Wedding Policy

The following sample wedding policy language is to be approved by a church's governing body and provided to prospective wedding couples, for their completion and signatures. The policy should be tailored in accordance with a church's governing practices, its own governing documents, and specific operational considerations.

## Welcome!

There are few things in life more exciting than a wedding! We want to do everything we can to help make your day a joyous celebration of God's grace. In the following pages you'll find everything you need to know about hosting your wedding at &CHURCH&. If you have any questions, please contact \_\_\_\_\_, our [*Wedding Coordinator*].

## Basic Requirements

&CHURCH& has the following basic requirements for weddings:

- The Bride, Groom, or their parents must be a member or regular attender at &CHURCH&.
- Both the Bride and Groom must have a personal relationship with Jesus Christ.
- The engaged couple must live in separate residences until the wedding day.
- The couple will make a commitment not to engage in sexual activity prior to marriage.
- The couple will successfully complete premarital counseling.
- The wedding must be in accordance with &CHURCH&'s Statement of Faith and related doctrinal teachings on Biblical marriage (including considerations for divorce and remarriage). [*Include church's doctrinal statement within policy or by specific reference.*]

Any questions regarding fulfillment of these requirements shall be determined by the Church's leadership, in accordance with its governance structure. Any disputes regarding the Church's wedding policy shall be resolved in accordance with the Church's alternative dispute resolution policy, as set forth in \_\_\_\_\_. Fees are charged solely to help cover the Church's actual wedding-related ministry and facility costs.

MAKING YOUR RESERVATION: \_\_\_\_\_

PREMARITAL COUNSELING: \_\_\_\_\_

WEDDING COORDINATOR: \_\_\_\_\_

WEDDING MUSIC: \_\_\_\_\_

WEDDING RECEPTION: \_\_\_\_\_

KITCHEN USE: \_\_\_\_\_

DECORATIONS: \_\_\_\_\_

CUSTODIAL HELP: \_\_\_\_\_

CONTACT INFORMATION: \_\_\_\_\_

WEDDING & RECEPTION FEES: \_\_\_\_\_

ACCEPTED BY: \_\_\_\_\_

BRIDE: \_\_\_\_\_

GROOM: \_\_\_\_\_

CHURCH: \_\_\_\_\_

DATE: \_\_\_\_\_

## DISCLAIMER

*This memorandum is provided for general information purposes only and is not a substitute for legal advice particular to your situation.*

*No recipients of this memo should act or refrain from acting solely on the basis of this memorandum without seeking professional legal counsel. The Christian Legal Society and any of its partners expressly disclaim all liability relating to actions taken or not taken based solely on the content of this memorandum.*

*For specific legal advice, which will be needed, please see attorney referrals at [www.christianlawyer.org](http://www.christianlawyer.org).*

© 2015 Christian Legal Society—Sample Wedding Policy



# Sample Facility Use Policy

The following language provides sample language for use of a church's facility, to be approved by the church's governing body and in light of marriage and sexuality-related issues. The policy should be tailored in accordance with a church's governing practices, its own governing documents, and specific facility and operational considerations. Best practices considerations warrant using accompanying agreements between a church and other parties, to describe short-term or long-term usage and other key aspects including the mission-related purposes for such shared usage, payment (if any, and cost-related basis therefor), insurance, other allocation of respective responsibilities, and alternative dispute resolution requirements. Such considerations are noted below in bracketed italics.

&CHURCH& ("the Church") owns certain real estate, including a worship facility [*describe additional rooms or areas as needed: \_\_\_\_\_*] all of which is used to promote its religious purposes. The Church seeks to exercise wise stewardship over all aspects of the Property. Such stewardship may include occasional guest use [*and/or other description of anticipated use*] from time to time for purposes consistent with the Church religious purposes and doctrinal beliefs. Based on these considerations, the Church shall allow use of its Real Estate by others in accordance with the following requirements and guidelines.

1. Decision-making authority. The Church's Board of \_\_\_\_\_ ("Board") shall make decisions as needed regarding the use of the Church's Real Estate, all in the best interests of the Church. [*Optional: Such decision-making authority may be delegated to a committee of persons appointed by and responsible to the Board, subject to the following doctrinal restrictions.*]

2. Doctrinal Restrictions. The Church's Real Estate may be used only for purposes and in ways consistent with the Church's doctrinal beliefs as reflected in the Bible, the Church's Covenant as stated in \_\_\_\_\_ of its Bylaws, and otherwise, particularly with respect to sexual activity standards and other conduct. [*Include other restrictions, if appropriate—e.g., no alcohol.*] The Church Board shall be the final decision-maker regarding whether any use is in conformity with, or contrary to, the Church's religious doctrine.

3. The Church may request donations or charge for cost-sharing contributions ("fees") in order to defray the estimated cost of facility use. No such fees shall be charged with any impermissible view to profit, and any and all fees are subject to waiver or reduction based on the prospective user's financial need. [*This language is generally in keeping with a church's federal and state tax exemption privilege. Specific legal guidance should be sought regarding such matters, particularly with respect to state-specific property tax exemption considerations.*]

4. The Church's Board (or a committee delegated thereby) shall be responsible for memorializing guest facility use. Such written agreements shall include identification of the religious purposes served by a guest's facility usage, with appropriate Scripture references (e.g., worship, strengthening

## DISCLAIMER

*This memorandum is provided for general information purposes only and is not a substitute for legal advice particular to your situation. No recipients of this memo should act or refrain from acting solely on the basis of this memorandum without seeking professional legal counsel. The Christian Legal Society and any of its partners expressly disclaim all liability relating to actions taken or not taken based solely on the content of this memorandum.*

*For specific legal advice, which will be needed, please see attorney referrals at [www.christianlawyer.org](http://www.christianlawyer.org).*

© 2015 Christian Legal Society—Sample Facility Use Policy

families, outreach to the lost). [*See above comment regarding importance of using agreements with facility users, both for short-term and long-term usage and with appropriate details regarding such usage. A statement that all uses not specifically described must be done in accordance with the Church's beliefs, as reflected in the Bible and other church documents, would be helpful as well.*]

5. Insurance coverage shall be maintained for all uses of the Church's Real Estate, including certificates of coverage from other users as appropriate. [*This language is per best practices and may be modified as deemed appropriate.*]

6. The Church's Board (or a committee delegated thereby) shall be responsible for communicating these requirements and other guidelines to all prospective guests of the Real Estate. [*This policy must be carried out in actual practice, in order for it to be meaningful and effective.*]

[*Additional church-specific provisions may be added as appropriate.*]

# Sample Employee Handbook Language

The following information provides sample language for a church's employment handbook, to be approved by the church's governing body and in light of marriage and sexuality-related issues. The language should be tailored in accordance with a church's governing practices, its own governing documents, and specific operational considerations. Best practices considerations may warrant using accompanying agreements between a church and its employees and volunteers, as well as further developing a church's employment and volunteer policies for other reasons such as risk management, legal compliance, and clarity. Such considerations noted below in bracketed italics.

## Welcome

We welcome you to &CHURCH& (“&CHURCH&”) and thank you for your service. We appreciate the vital role of &CHURCH& employees in accomplishing the mission of &CHURCH& to the people we serve and to the broader Christian community. *[Additional language may include provision for employee review of the Handbook, general applicability to the Church's employees, disclaimers regarding “at-will” employment and implications thereof, and potential unilateral modification of the Handbook by the Church.]*

## Compliance with Biblical Standards

Christianity is central to the purpose and mission of &CHURCH&. For this reason, all &CHURCH& affairs are conducted in full accordance with the Bible, the &CHURCH&'s Mission, its Statement of Faith as contained in the &CHURCH& bylaws, as well as related policies reflecting the &CHURCH&'s religious nature. Likewise, it is the &CHURCH&'s policy to employ only committed disciples of Jesus Christ. Consequently, each employee is expected to review and affirm his or her agreement with such standards as a condition for continued employment with &CHURCH&, both in terms of doctrinal belief and practical application. For example, all employees are expected to reflect Christian values in their interaction with persons we serve, fellow employees, and others. In addition, employees are required to refrain from behavior that reflects negatively on the &CHURCH&'s Christian standards. Violation of these requirements shall constitute cause for discipline up to and including employment termination. *[This language may be modified as the Church leadership deems appropriate, to reflect the Church's religious nature and expectations for its employees.]*

## Mission Statement

The mission of the &CHURCH& is to \_\_\_\_\_.

## Affirmation of Statement of Faith

All officers, directors, and staff of &CHURCH& shall, as a condition of their employment in &CHURCH&, acknowledge in writing their acceptance of, and agreement with the following Statement of Faith, as set forth in \_\_\_\_\_ of &CHURCH&'s corporate by-laws:

*[Insert statement of faith, including provision regarding biblical standards for sexuality and marriage.]*

## DISCLAIMER

*This memorandum is provided for general information purposes only and is not a substitute for legal advice particular to your situation. No recipients of this memo should act or refrain from acting solely on the basis of this memorandum without seeking professional legal counsel. The Christian Legal Society and any of its partners expressly disclaim all liability relating to actions taken or not taken based solely on the content of this memorandum.*

*For specific legal advice, which will be needed, please see attorney referrals at [www.christianlawyer.org](http://www.christianlawyer.org).*

© 2015 Christian Legal Society—Sample Employee Handbook Language

**Receipt**

*[Include written acknowledgement to be signed by employee, such as the following.]*

I have received a copy of &CHURCH&'s Employee Handbook (dated\_\_\_\_\_) and have read it carefully. I understand all of its rules, policies, terms and conditions and agree to abide by them. I realize that failure to do so may result in disciplinary action or termination of employment. I understand and agree that my employment may be terminated at will, so that both &CHURCH& and I remain free to choose to end our work relationship at any time. I also understand that &CHURCH& remains free to change, revise, or eliminate any or all of the employment benefits provided in the Handbook at any time.

I understand that nothing in this Handbook in any way creates an express or implied contract of employment between &CHURCH& and me. I also understand that this Handbook is only intended to provide a better and more understandable working atmosphere so long as the employee/employer relationship exists.

Date: \_\_\_\_\_

Employee's Signature: \_\_\_\_\_

Employee's Name (Printed): \_\_\_\_\_

**DISCLAIMER**

*This memorandum is provided for general information purposes only and is not a substitute for legal advice particular to your situation. No recipients of this memo should act or refrain from acting solely on the basis of this memorandum without seeking professional legal counsel. The Christian Legal Society and any of its partners expressly disclaim all liability relating to actions taken or not taken based solely on the content of this memorandum.*

*For specific legal advice, which will be needed, please see attorney referrals at [www.christianlawyer.org](http://www.christianlawyer.org).*