

CHURCH GOVERNING DOCUMENTS AND LIFESTYLE CONSIDERATIONS

(This article is intended to be a brief, but informative response concerning language that can be used in church governing documents to clearly state the church's position on marriage and sexuality and how that position will be carried out in the life of the church. This information should not be relied upon as legal advice and churches should seek counsel from a reputable attorney with experience with religious non-profit organizations.)

The Supreme Court of the United States ruled in a 5-4 decision that states could not prohibit the issuance of marriage licenses to same sex couples. For evangelical Christians and others, this ruling challenges very basic core beliefs about human sexuality and the purposes of God's creation. Many are concerned that this ruling will lead to significant religious liberty issues that will threaten the ability of ministers and churches in the free exercise of their religion.

While this decision is a cultural regression for our country, it does not immediately create requirements for pastors to perform weddings or churches to host weddings. However, as we have seen with other areas of jurisprudence, there are those who will attempt to force their particular interpretation of discrimination on those that are exercising their religious rights.

Fortunately, the U. S. Constitution still grants to individuals the freedom of assembly and the right to religious liberty without governmental intrusion. A church - according to its most basic definition - is a private, voluntary assembly of individuals with common beliefs for religious purposes. The Tennessee Supreme Court has ruled that no court in the State of Tennessee has jurisdiction over an issue involving the beliefs, tenets and/or doctrine of a religious organization. Therefore, a church definitely has the right to determine the criteria for its membership, use of facilities and the types and forms of ministries that it will perform. Since a church is a religious organization, it also has greater liberties in the employment arena.

It is important that any church or minister that refuses to participate in or recognize same sex marriages should do so on scripturally based faith convictions and not on any type of bigotry or personal discrimination factors. Consequently, churches and ministers should be very consistent in their response to all types of sexual immorality.

To this end, many churches may want to include in their governing documents provisions addressing the specific issue of sexual orientation and activity in regard to their membership, use of facilities, types of ministries performed and employees. Many legal authorities maintain that such action is not absolutely necessary to protect churches. However, there is no downside to a church reviewing its governing documents and making sure they contain language which clarifies the church's position and the basis for that position.

Churches may want to state clearly in their governing documents, their articles of incorporation, constitution, bylaws, or in a free standing resolution adopted by the membership, that the Bible is their sole authority for faith and practice and that the conduct of all activities within the church are to be consistent with the church's interpretation of the Bible. Further, since the Baptist Faith and Message of the Southern Baptist Convention addresses homosexuality and marriage directly, churches may want to reference their adoption of the Baptist Faith and Message as another source of guidance on certain issues.

Specific policies should be broad enough to allow the church to include any activity which is contrary to scripture, but specific enough to be useful. When developing policies churches should evaluate the policy by brainstorming to see if there are any scenarios where the policy would not be followed (e.g. a policy that prohibited any use of the church facilities beyond events initiated by staff might prohibit the neighborhood homeowners group from meeting at the church).

FOLLOWING ARE SOME SAMPLE POLICIES THAT CHURCHES MAY WANT TO CONSIDER AS TEMPLATES FOR USE IN THEIR GOVERNING DOCUMENTS.

- The Church, in its autonomy, shall determine criteria for church membership and the process for admission and expulsion of members. Church membership shall not be available to those whose lifestyle is in conflict with the Church's statement of faith, the Baptist Faith and Message 2000; this shall include membership ineligibility for one in a same-sex marriage, and those living in a homosexual or transgendered lifestyle. Further the Church and its ministers shall only recognize, participate in, conduct, or allow Church facilities to be utilized for, marriage ceremonies and other functions which are related to marriages deemed to be scriptural. This shall prohibit the use of the Church facilities for same-sex marriage ceremonies and related functions and shall bar the Church's ministers from conducting or otherwise participating in same sex marriage ceremonies and related functions.
- The Church relies on the Bible for instruction on all matters concerning ordinances, ministries, use of facilities, activities, membership, and employment. Baptist tradition calls for each church to interpret Scripture under the guidance of the Holy Spirit. The Church adheres to the Baptist Faith and Message as adopted by the Southern Baptist Convention as an additional means of applying Scripture to the life of The Church.
- The Church does not discriminate as to whom it will provide a witness and helping ministry. However, the Church will not perform a ministry that is contrary to Biblical Scripture such as performing or allowing its facilities to be used for same-sex weddings.
- Each member and each employee of the Church is expected to maintain a lifestyle that is consistent with Biblical teachings. The Church reserves unto itself the right and responsibility to interpret the Scripture, as led by the Holy Spirit, in all such matters. Examples of unacceptable lifestyles include, but are not limited to, involvement with alcohol, illegal drugs, pre-marital sex or extramarital sex, cohabitation apart from the marriage relationship, homosexuality and a transgender lifestyle. Members exhibiting unacceptable behavior shall be subject to Church Discipline as provided in these bylaws. Employees exhibiting unacceptable behavior shall be subject to disciplinary action up to and including dismissal as provided for in the personnel policy of this Church.
- All members and employees are expected to live lifestyles that are consistent with and not contrary to the teaching of Holy Scripture. The Church reserves the right to limit membership and employment to those individuals whose conduct and behavior is consistent with the expectations of a Christian as determined solely by The Church.
- The unique nature of The Church requires all employees to manifest conduct and actions which project an image consistent with the expressed purpose and mission of the Church. It is imperative that employees favorably represent The Church to the community at all times. Conduct which brings embarrassment to the Church or impedes the Church's credibility with other Churches, the community and/or the general public is unacceptable. Conduct or other actions which are perceived by the Church to be inconsistent with the beliefs, faith or mission of the Church are unacceptable. Examples of such conduct or actions include unacceptable lifestyles involving alcohol, illegal drugs, pre-marital sex or extramarital sex, cohabitation apart from the marriage relationship, homosexuality, and outside interests and pursuits which would normally be considered incompatible with the mission of the Church. Any employee exhibiting unacceptable behavior shall be subject to disciplinary action up to and including dismissal as provided for in the personnel policy of this Church.