

Church Governing Documents and Lifestyle Considerations

(This article is intended to be a brief, but informative response concerning church Bylaw/personnel policy provisions addressing the lifestyle of church members and staff. 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.)

Question: What should our Church Bylaws/personnel policies include to protect us from issues that could possibly arise related to homosexual lifestyles?

The U. S. Constitution 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 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.

There is a movement within this country to enact laws which elevate “sexual orientation” to the same protected status as race, gender and national origin. However, churches that adhere to the Biblical condemnation of gay and lesbian lifestyles are at liberty to utilize sexual orientation as a factor for denying membership or employment with the Church and refusing to conduct certain ministries such as same sex marriages. In order to withstand judicial intervention, this adherence must be based upon the religious doctrine, tenets and beliefs of the church.

To this end, many churches want to specifically include in their bylaws, personnel or wedding policies some provision addressing the specific issue of sexual orientation in regard to their membership, employees and ministries. While such is certainly permissible, language that broadens the scope of the lifestyle consideration will provide greater protection to the church. Such language will also cover the church in other areas without having to specify every issue.

Churches may want to state clearly in their governing documents, their articles of incorporation, constitution, or 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 and Faith Message of the Southern Baptist Convention address 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.

The following examples might be included in the bylaws or policies of a church to affirm that the church expects members and employees to exhibit Biblical lifestyles and that all ministries will reflect a Biblical basis.

Possible governing document provisions:

- First Baptist Church relies on the Bible for instruction on all matters concerning ordinances, ministries, activities, membership and employment. Baptist tradition calls for each church to interpret scripture under the guidance of the Holy Spirit. First Baptist 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 First Baptist Church.
- First Baptist Church does not discriminate as to whom we will provide a witness and helping ministry. However, First Baptist Church will not perform a ministry that is contrary to scripture such as performing or allowing our facilities to be used for same sex weddings.
- Each member and each employee of First Baptist 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, and homosexuality. 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. First Baptist 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 First Baptist Church.
- The unique nature of First Baptist 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 First Baptist 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.