



The Importance of Bylaws

The ERLC worked with Alliance Defending Freedom to create a resource guide for churches to update their bylaws in light of challenges related to sexual orientation and gender identity lawsuits. Below are the five areas where churches can provide clear frameworks outlining their faith and religious convictions to protect themselves so that they can continue in ministry that is faithful to God's Word and brings about gospel transformation. You can read the entire guide [here](#). It is our hope that at both the theological and practical level this resource will be helpful to you as you serve your congregation.

Statement of Faith (p.5)

The Statement of Faith should serve as an encapsulation of the foundational theology of the church or organization. In addition to the usual topic of salvation, doctrine of sin, or church polity, a statement of faith should include the position of the church related to matters of gender, sexuality, and marriage. Because these issues now regularly confront churches, it is imperative that churches and religious organizations clearly put forth their belief in marriage's foundational role in society, that it is rightly restricted only to one man and one woman, and that gender identity flows from and is inextricably connected to biological sex.

Religious Employment Criteria (p. 11)

Churches and religious organizations should strongly consider creating a religious employment requirement for all employees so as to avail themselves of the full weight of First Amendment jurisprudence. Under the "ministerial exception" churches and religious institutions are able to take religious belief into consideration when hiring and firing without penalty under non-discrimination laws. By clearly defining roles according to their contribution to the organization's religious mission, and having employees sign the statement of faith, they can protect themselves from legal challenges.

Facility Use Policy (p. 14)

A fear of many churches is that they may be required to grant use of their facilities to couples who may wish to use them for a wedding ceremony the church would not sanction or other events. In general, churches are free to grant access to their facilities as they wish because they are private property. However, they can further protect themselves by creating a clearly defined facility use policy that identifies the religious nature of the building and restricts use of the facility to those who act in accordance to your beliefs.

Formal Membership Policy (p. 16)

While many churches have an informal process of affirming or recognizing church membership, their legal protections are increased by formalizing the process. In ideal circumstances, their written process should cover the procedures for becoming a member, procedures for church discipline, and procedures for disfellowshipping or excommunicating a member. Each of these helps to provide a legal framework protecting the church and providing clarity to members of the expectations of membership and the processes that can be expected in times of discipline. This can be especially helpful if a member objects to the church's implementation of disciplinary measures.

Marriage Policy (p.18)

In addition to the statement of faith which clearly outlines the church's theology of marriage, churches should create a marriage policy which outlines the parameters under which pastors, ministers, or staff will solemnize a marriage. This marriage policy may include not only a statement on belief of marriage as between a biological man and woman, but also another statement on the use of the facility for marriage ceremonies. Additionally, churches may consider adding a provision that only members will be able to use the facilities to provide a further layer of protection if the church has a requirement that members affirm the church's statement of faith.