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TO: Pastors and Church Leaders
RE: Model Policies for Bylaws and Marriage
FR: Kevin Snider, Chief Counsel
DT: July 21, 2008

Due to the recent ruling by the California Supreme Court relative to marriage, it is important that pastors take steps to protect the church's theological integrity as it relates to marriage ceremonies and other related activities, such as, use of church facilities, and membership.

Accompanying this cover letter, please find a model marriage policy. Because marriage licenses are being issued to same sex couples, it is advised that the senior or executive pastor immediately review, edit and implement the policy as the chief administrative officer of the church. If necessary, the policy can be brought to the church board for review and ratification or modification at a later date. Please note that the policy does not have to be included in the church bylaws.

As to bylaws, please find draft language for that document. The language needs to be added to Articles of Faith (sometimes called Church Tenets, Statement of Faith, Declaration of Faith, etc.) and inserted into the church bylaws. Make certain that proper procedures are followed for amending the bylaws as required by that document, e.g., bringing it before the church board or congregation for a vote. If your denomination does not allow local bylaws, then submit these to the denominational leadership for review. We will be happy to discuss this with their legal counsel.

If you have specific questions, please call our office and ask to speak with an attorney. We encourage you to attend one of our free Pastors' Legal Seminars which cover these and other relevant topics in greater depth. If there is none in your area, please contact our office and speak with Terri Franklin to discuss setting one up.

Grace and peace,

A handwritten signature in blue ink that reads "Kevin Snider". The signature is fluid and cursive, with the first name "Kevin" and last name "Snider" clearly legible.

Kevin T. Snider
Chief Counsel
PACIFIC JUSTICE INSTITUTE

MARRIAGE POLICY FOR CHURCHES

Drafted by: Kevin T. Snider, Chief Counsel
PACIFIC JUSTICE INSTITUTE

Marriage is a union ordained by God. It was first instituted by God in the early chapters of Genesis, codified in the Levitical law, the Old Testament prophets compared it to a relationship between God and his people, examples of it are in the historical narratives, and, the wisdom literature discusses the unique unity of this relationship. Jesus explained the original intention and core elements of marriage, and several New Testament Epistles give explicit instructions on this union. Marriage is a typology of Christ and the Church. As such, the Church views marriage as a profound spiritual institution established by God. Due to the importance of marriage in the biblical witness, this church adopts the following policy.

Clergy:

1. Only duly ordained clergy shall officiate at marriage ceremonies conducted on church property.
2. Clergy employed by the church shall be subject to dismissal and/or loss of ordination for officiating a same gender marriage ceremony.

Applicants:

1. Applicants wishing to have a ceremony performed by a member of the clergy employed by the church, or to use the church facilities, shall affirm their agreement with the Articles of Faith and shall conduct themselves in a manner that is consistent therewith.
2. Applicants shall receive _____ hours of premarital counseling by clergy or counselors employed by the church or other persons who, in the sole opinion of the pastoral staff of the church, have appropriate training, experience, and spiritual understanding to provide such counseling.

Premises:

1. Any marriage performed on church premises shall be officiated by a member of the clergy.
2. Clergy officiating marriage ceremonies on church premises, whether or not employed by the church, shall affirm their agreement with the Articles of Faith and shall conduct themselves in a manner that is consistent therewith.
3. The clergy assigned by the church to implement the procedures contained in this Marriage Policy may, in his or her sole discretion, decline to make church facilities available for, and/or decline to officiate at, a ceremony when, in his or her judgment, there are significant concerns that one or both of the applicants may not be qualified to enter into the sacred bond of marriage for theological, doctrinal, moral or legal reasons.

HUMAN SEXUALITY LANGUAGE FOR CHURCHES, RELIGIOUS SCHOOLS AND OTHER FAITH-BASED ORGANIZATIONS

Marriage: *(added to Articles of Faith)*

Marriage is a sacrament (*or ordinance or rite*) of the Church. [*Alternative: Marriage has been ordained (or established or instituted) by God.*] This church defines “marriage” as the exclusive covenantal union of one man and one woman in which such union is a lifetime commitment. A civil government’s sanction of a union will be recognized as a legitimate marriage by the church only to the extent that it is consistent with the definition of “marriage” found in these Articles.

Human Sexuality: *(added to Articles of Faith)*

Legitimate sexual relations are exercised solely within marriage. Hence, sexual activities outside of marriage (referred to in the New Testament as “porneia”-- πορνεία) including but not limited to, adultery, premarital sex, homosexuality, and pedophilia are inconsistent with the teachings of the Bible and the Church. Further, lascivious conduct, transgender behavior, and the creation and/or distribution and/or viewing of pornography, are incompatible with the biblical witness.

Qualifications: *(board members, employees, volunteers)*

Every minister, board member, employee, or volunteer shall affirm their agreement with the Articles of Faith and shall conduct themselves in a manner that is consistent therewith.

(Note: For employees, the above qualifications must be a part of a written employment contract, i.e., consideration is exchanged by the parties. “At will” employment relationships will seriously undermine the religious organization’s ability to enforce moral conduct requirements.)

Qualifications: *(members)*

Every member shall affirm their agreement with the Articles of Faith and behave in a manner that is consistent therewith.

Religious Schools: *(optional for students)*

As a prerequisite for attendance and continued enrollment, students shall be in good standing and affirm their agreement with the Articles of Faith and shall conduct themselves in a manner that is consistent therewith.

Religious Schools: *(optional for parent/guardian)*

At least one parent or guardian:

- 1) must be a Christian who is in agreement with the school’s Articles of Faith; and,
- 2) is a member, or regularly attending, a local church.

For inquiries regarding this language and related issues, contact:
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