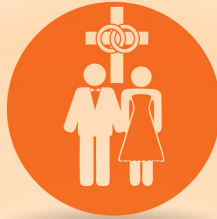


THE MUST-HAVE POLICIES/PROVISIONS FOR YOUR MINISTRY IN LIGHT OF AMERICA'S ONGOING SEXUAL IMMORALITY CRISIS



CHURCH POSITION ON BIBLICAL MARRIAGE and *Sexuality*



NCLL
NATIONAL CENTER
FOR LIFE AND LIBERTY

INTRODUCTION



“ I assume that those who cling to old beliefs [about traditional marriage] will be able to whisper their thoughts in the recesses of their homes, but if they repeat those views in public, they will risk being labeled as bigots and treated as such by governments, employers, and schools. ”

- JUSTICE ALITO, DISSENTING IN *OBERGEFELL v. HODGES*

In the last four years, a large number of states and localities around the country have added gender identity and sexual orientation as protected classifications in their antidiscrimination laws (in the same way as race, gender, and religion are protected) despite the constitutional difficulties and physical dangers that these ordinances are creating for citizens in the affected localities. These laws and ordinances, coupled with the United States Supreme Court’s decision in *Obergefell v. Hodges* redefining marriage in all fifty states, have created a moral crisis for our nation similar to the court’s legalization of abortion in 1973 in the case of *Roe v. Wade*.

President John Adams, our second president, once said, “Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other.” The decline of biblical morality in America has yielded a Supreme Court that is now able to invent new ways to look at our Constitution and its later amendments and discover “rights” within the meaning and between the lines that are nowhere to be found. This is precisely what happened in both *Obergefell* and *Roe*. In his *Roe v. Wade* dissenting opinion, Justice William Rehnquist stated that “to reach its result [in legalizing abortion], the Court necessarily has had to find within the scope of the Fourteenth Amendment a right that was apparently completely unknown to the drafters of the Amendment.” Clearly, if the right to abortion was never intended by the drafters of the 14th Amendment (even though thirty-six states and territories had laws regulating abortion at the time the amendment was passed), it was definitely not intended by the framers of the original Constitution and the Bill of Rights. In his *Obergefell* dissent, Chief Justice Roberts similarly and aptly stated that “if you are among the many Americans . . . who favor expanding same-sex marriage, by all means celebrate today’s decision. . . . But do not celebrate the Constitution. It had nothing to do with it.”

Despite the ongoing evils of abortion, its threat to religious liberty has been minimal, at least up to this point, as relatively few Americans have been required to participate in or approve of abortion. On the other hand, same-



sex marriage poses a very serious threat to religious liberty for those Christians who continue to believe that our Creator God alone, not our Supreme Court, has the authority to define marriage. The Supreme Court has essentially mandated that Americans everywhere celebrate and approve something God calls sin.

The *Obergefell* decision has placed our nation in a position that is exactly opposite to the Judeo-Christian principles on which it was founded. Two of the justices acknowledged this in their *Obergefell* dissents: Chief Justice Roberts (“The Court today not only overlooks our country’s entire history and tradition but actively repudiates it, preferring to live only in the heady days of the here and now”); and Justice Thomas (“The Court’s decision today is at odds not only with the Constitution but with the principles upon which our nation was built. Since well before 1787, liberty has been understood as freedom from government action, not entitlement to government benefits”).

The full impact of *Obergefell* on churches, Christian schools, and other Bible-believing ministries will not be felt for quite some time, as lower courts and legislatures around the country wrestle with its implications. Even now, however, and prior to this decision, Bible-believing ministries are being confronted with the following increasingly common scenarios:

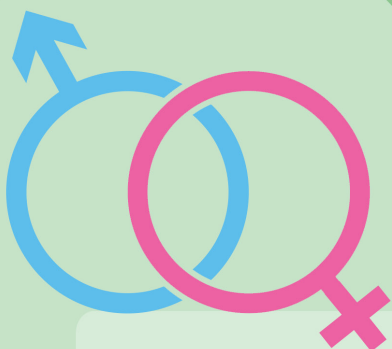
- **A HOMOSEXUAL COUPLE WANTS TO JOIN THE CHURCH**
- **CHRISTIAN PARENTS OF A CHILD WHO CLAIMS TO BE GAY OR TRANSGENDER WANT TO ENROLL THEIR CHILD IN YOUR CHRISTIAN SCHOOL**
- **A LESBIAN APPLIES FOR A SECRETARIAL POSITION IN THE CHURCH OFFICE**
- **ONE OF YOUR MALE STUDENTS DECIDES HE WANTS TO COME TO SCHOOL DRESSED AS A GIRL**
- **THE CHURCH MUSIC PASTOR POSTS ON A SOCIAL NETWORKING SITE THAT HE IS NOW BISEXUAL**
- **A LESBIAN COUPLE ASKS THE PASTOR TO PERFORM THEIR WEDDING CEREMONY AT THE CHURCH**
- **A HOMOSEXUAL COUPLE WANTS TO RENT THE CHURCH FELLOWSHIP HALL FOR A WEDDING RECEPTION**



Each of these possibilities used to seem far-off—like they could never happen in our churches. But the reality is that they are occurring in churches and other Christian ministries all across the country at an alarming rate. Your ministry may be in the midst of dealing with this right now, or maybe you are preparing for the day it happens.

Churches and other ministries that take a biblical stand on marriage and sexuality must take a proactive approach to these issues to help stem the tide of discrimination and human rights violation claims by those seeking to push the transgender and homosexual agendas and their attempts to normalize what God clearly calls sin. The NCLL recommends that all ministries take the following steps to protect themselves to the greatest extent possible. Samples of each of these provisions are available at ncll.org/sampleforms.

STATEMENT OF FAITH POSITION ON MARRIAGE AND SEXUALITY



The best protection for a ministry in each of these situations is to have a clearly defined statement of faith, included in the ministry's bylaws, that sets forth the ministry's positions on marriage and sexuality. This is the ministry's first line of defense against discrimination claims by students, employees, church members, and community members at large. Churches, camps, Christian schools, and all other biblical ministries should include this in their bylaws. Visit ncll.org/sampleforms to see the NCLL's sample statement of faith provision on marriage and sexuality.



AUTHORITY OF THE STATEMENT OF FAITH PROVISION

The ministry should adopt, as part of its bylaws, a statement explaining that the Bible is the sole and final source of all the ministry believes and that the statement of faith, as a reflection of the major doctrinal and lifestyle beliefs of the ministry, is binding upon all members, staff, students, and volunteers. Visit ncll.org/sampleforms to see the NCLL's sample authority of the statement of faith provision.

CODE OF CONDUCT



HANDBOOK

CODE OF CONDUCT PROVISION ON SEXUAL ACTIVITY AND EXPRESSION

Staff and student handbooks should include a code of conduct that sets forth the ministry's expectation that students, parents, staff, and volunteers abide by the conduct and spirit expressed within the ministry's statement of faith. The code of conduct should establish behavioral expectations and lifestyle choices in light of the ministry's position on marriage and sexuality as reflected in the statement of faith and should clearly state that violations of the code of conduct's provisions or other church or school policies will result in the consequences delineated in the discipline section of the handbook. Visit ncll.org/sampleforms to see the NCLL's sample handbook code of conduct provision on sexual activity and expression.



ACCEPTANCE AND ACKNOWLEDGMENT OF STATEMENT OF FAITH AND CODE OF CONDUCT

Each prospective church member should be given a copy of the statement of faith, and every school student, parent, staff member, and volunteer should be given a copy of the statement of faith and the code of conduct. Each of these persons should be required to sign a statement acknowledging that they have read, understand, and agree to live in accordance with and be bound by them (parents may sign on behalf of younger children). For church members, this acknowledgement should include a statement of agreement to live in accordance with the doctrinal and lifestyle positions contained therein. For Christian school students, parents, staff members, and volunteers, the acknowledgment should include a statement that the individual understands and agrees to comply with requirements of the code of conduct both at and away from school and that failure to do so will result in the consequences delineated in the discipline section of the staff/student handbook. Visit ncll.org/sampleforms to see the NCLL's acceptance and acknowledgments for prospective church members and prospective students, parents, and staff members.

CHURCH/ MINISTRY FACILITY-USE POLICY



One of the most concerning situations for churches and other Bible-believing ministries is the possibility of facing discrimination challenges from homosexuals or other persons or groups that do not align with the ministry's beliefs if/when the ministry denies the use of its facilities for homosexual weddings or other non-Christian events, particularly if the ministry has opened up its facilities to non-ministry-affiliated members of the community. This is a legitimate area of concern, especially if the ministry charges a fee for the use of its facilities, since that raises the possibility that the ministry will be considered a place of public accommodation and thus subject to nondiscrimination laws. These laws differ from state to state and between cities and towns within individual states.

One way for ministries to reduce the likelihood of such a lawsuit is to either not charge a fee or to just charge an incidental fee (for cleaning or administrative costs). This is in addition to any refundable security deposit the ministry may require. The most important way to reduce the likelihood of being subject to these laws, however, is to adopt a facility-use policy that ties the use or rental of any ministry facilities back to the statement of faith. The policy should clearly state that ministry facilities are not permitted to be used for any event that would violate the positions of the ministry in the statement of faith. It is critical that churches abide by this policy and not make exceptions, as doing so may open the church up to lawsuits. Visit ncll.org/sampleforms to see the NCLL's sample church/ministry facility-use policy.



MINISTERIAL JOB REQUIREMENTS: JOB DESCRIPTIONS/ EMPLOYMENT CONTRACTS/ STAFF HANDBOOKS

Any time ministry jobs or volunteer positions become available, the job description should clearly state that candidates for the position must live, on and off duty, according to the ministry's statement of faith. Additionally, require and include ministerial-type activities as part of all current and new job descriptions at the ministry, and put these job descriptions in writing. This is vitally important, because religious organizations may legally discriminate in favor of their religious beliefs when hiring for "ministerial positions." Thus, all job descriptions for custodians, cafeteria workers, secretaries—and any other job at the ministry—should include such duties as leading staff devotions; prayer with, witnessing to, or counseling visitors or others when called upon to do so during the work day; or other types of "ministerial" activities that reflect the integral nature of the employee's faith to his or her position. The NCLL highly recommends that every ministry revise its current job descriptions and requirements to reflect the above as soon as practically possible. These job requirements should also be reflected in all ministry employment contracts as well as in the ministry's staff handbook. Visit ncll.org/sampleforms to see the NCLL's sample ministerial job descriptions.



CAMPING MINISTRY MARRIAGE/ TRANSGENDER POLICIES

Christian camping ministries face unique challenges, given that most of them provide overnight accommodations and lodging facilities. Christian camps that take the position that they will not permit homosexuals to lodge together or transgender individuals to use lodging or restroom/locker room facilities of their chosen (as opposed to biological) gender will naturally become a target for discrimination claims, particularly in those jurisdictions where sexual orientation and gender identity are protected classifications in antidiscrimination laws. These ministries need to implement several policies that clearly state their positions on biblical marriage and sexual orientation/gender identity and the impact of this stance on camp facility usage, camping admissions and lodging, and campers' behaviors. They should also require campers (or guardians of minor campers) and employees to sign an acknowledgment that they have read and agree to abide by the terms of camp admissions and other policies and codes of conduct. These policies/statements should include the following:



CAMPING MINISTRY MARRIAGE/TRANSGENDER POLICIES

1

Statement of faith provision on marriage/sexuality (visit ncll.org/sampleforms to see a sample)

2

Camp code of conduct provision on sexual activity and expression (visit ncll.org/sampleforms to see a sample)

3

Camp facility-use policy, which should limit camp facility use to activities that do not conflict with the statement of faith—the NCLL recommends that camping facilities do not open their facilities for weddings, receptions, vow renewals, wedding photography venues, etc. (visit ncll.org/sampleforms to see a sample)



CAMPING MINISTRY MARRIAGE/ TRANSGENDER POLICIES

4

Camp lodging and admissions marriage policy, which should state that attendance at events designed for married couples and accommodations for married couples at the camp are reserved only for those couples with a marriage as defined in the camp's statement of faith (visit ncll.org/sampleforms to see a sample)

5

Camp lodging and admissions transgender policy, which should express the ministry's position that a condition of attendance and enjoyment of camp privileges will be that campers present themselves as their God-given biological genders (as determined at birth) and that accommodations will be assigned on that basis (visit ncll.org/sampleforms to see a sample)

6

Acceptance and acknowledgment of camp code of conduct and admissions policies, which is necessary to evidence that a prospective camper or camp staff/volunteer has read, understood, and agreed to abide by the camp's admissions policies and code of conduct (visit ncll.org/sampleforms to see a sample)



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Conclusion

The First Amendment to the United States Constitution guarantees the right to the free exercise of religion. Yet never before in our nation has that constitutional guarantee been under attack like it is today. Although the court decisions and legislative efforts of the last few years have created unprecedented challenges for Christians, churches, and other ministries in America, God's Word is clear on the issues of morality, what constitutes marriage, and God's creation of man and woman as separate and distinct genders. The Church must not back down from God's position on these issues. The attorneys and staff at the NCLL are on the front lines standing with Christians and ministries across the nation, fighting for the right not just to believe God's Word, but also to freely preach and live it.



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