



## **CHURCH BYLAWS - PROCEDURE FOR RESCINDING MEMBERSHIP**

In previous editions, we've explained the importance of having church bylaws that define membership, as well as the procedure for membership discipline. Another significant aspect of church membership is rescission. A provision in the church bylaws specifically setting forth how and when membership may be rescinded either by the church or the member will go a long way toward protecting the church from legal liability when a member leaves. Alliance Defending Freedom suggests that membership be defined in a way that is similar to the following:

The membership of this Church shall be composed of individuals who are believers in the Lord Jesus Christ and affirm the tenets of the \_\_\_\_\_ Church Constitution, and who offer evidence, by their confession and their conduct, that they are living in accord with their affirmations and this Constitution and Bylaws, and are actively pursuing and continuing in a vital fellowship with the Lord, Jesus Christ. The membership of the church shall have final authority in all matters of church governance, as set forth and described in the Bylaws.

So what exactly happens when a member no longer “affirms the tenets” of the church or fails to conduct themselves according to the church’s moral standards? The answer should be spelled out clearly in the church bylaws. Depending on the congregation, the procedure for rescinding membership often involves some variation of the steps Christ prescribed in Matthew 18: progressive confrontation of the offending member starting with an individual, then by a small group of two or three, and finally by the church body. If the offending member still refuses to change their views or behavior to conform with church teaching, their membership is rescinded.

The good news is this biblically based policy has been tacitly sanctioned by at least one court of law.<sup>1</sup> But a subtle, yet important aspect must be addressed – whether the offending member can withdraw membership while the disciplinary process is pending. For some churches, this is important because they believe it’s the church’s obligation to attempt to correct behavior and beliefs of members who may be harming their spiritual and physical health. They want the opportunity to do this before membership ends. This belief is in tension with the general law that allows church members to withdraw their membership from a congregation at any time – a basic tenet of religious freedom. But if, as a condition of membership, a member agrees not to withdraw while discipline against him or her is pending, that may very well be enforceable.

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<sup>1</sup> *Guinn v. Church of Christ of Collinsville*, 775 P.2d 766 (Okla. 1989).



Another important consideration is the legal implication of disclosing to the whole church the offense that led to discipline. This could lead to church liability for defamation, unless members have been informed of, and have conceded to, provisions in the bylaws that state this may occur.<sup>2</sup>

In sum, churches should include provisions in their bylaws that specifically address how membership will be rescinded. If the church has a disciplinary process that it believes must be carried out before membership can be withdrawn for moral or theological problems, it should have all members sign a document indicating that they are aware of this provision and consent to it. A similar consent form should be used if church discipline involves disclosure of reasons for discipline to the church body.

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<sup>2</sup> *Owen v. Bd. of Directors of Rosicrucian Fellowship*, 342 P.2d 424 (Cal. App. 1959) (“A person who joins a church covenants expressly or impliedly that in consideration of the benefits which result from such a union he will submit to its control and be governed by its laws, usages, and customs”).