

Preamble to Bylaws

The following Bylaws are designed to help our church operate in a manner faithful to the Scriptures and consistent with the constitution of the Presbyterian Church in America. Like most church bylaws, they cover basic issues relating to membership, election and terms of officers, conflict resolution, and other related issues.

At first glance, you may wonder why we have gone into such detail if we already have a constitution. The primary answer is that we need to address issues that have been traditionally ignored and to clarify some matters in our constitution as they apply specifically to us here at Grace Presbyterian Church. We believe there has been a significant change in the moral and legal climate of this country. Twenty years ago, most Americans, whether they were Christian or not, held to a common framework of basic moral values. Honesty, fairness, respect for others, self-discipline, and accountability were generally viewed as commendable qualities. In recent years, however, respect for these qualities has been undermined by a growing emphasis on individualism, a diminished respect for authority, the acceptance of relative morality, and the loss of common norms and values.

This loss of common values even within the church can cause a great deal of confusion and conflict. It can also expose a church to devastating lawsuits. The legal climate has changed dramatically in recent years, and today lawsuits against churches are commonplace. Part of the reason for this is that people have differing expectations as to how a church should conduct its affairs and treat its members. When these expectations are not met, a lawsuit often follows, which can ruin a church both spiritually and financially.

As Proverbs 22:3 warns, "A prudent man sees danger and takes refuge, but the simple keep going and suffer for it." Realizing that the absence of common norms and values can pose a threat to the unity and well-being of our church, these Bylaws were developed as a means of establishing commonly accepted standards for how we would treat one another and govern ourselves as a body. In particular, these Bylaws are designed to accomplish these goals:

- They help to prevent surprises and disappointed expectations by providing potential members with a thorough explanation of how the church intends to govern itself.
- They reduce the likelihood of confusion and conflict within the church by establishing clear operational guidelines.
- They prevent the misuse of authority by church leaders by limiting their powers and establishing procedures that protect members from being disciplined or losing rights without due process.
- They give our elders protection from being subpoenaed by a civil court to testify regarding information they receive through pastoral counseling, while at the same time giving them guidelines for reporting actual or suspected harm to others.
- They reduce the church's exposure to legal liability by satisfying recently developed legal requirements, even in areas where we deny that the state has jurisdiction, and by requiring that potential lawsuits will be resolved through biblical mediation or arbitration rather than through litigation.

These Bylaws are designed to spare us from unnecessary confusion and conflict, help us to act in consistent and respectful ways, and allow us to devote ourselves to the more important matters of God's kingdom.

BYLAWS

1. Name

The name by which this organization shall be known in law shall be "Grace Presbyterian Church of the Western Reserve" referred to herein as "the church."

2. Constitution

- a. The Constitution of the church, which is subject to and subordinate to the Scriptures of the Old and New Testaments, the inerrant Word of God, consists of its doctrinal standards set forth in the Westminster Confession of Faith, together with the Larger and Shorter Catechisms, and the Book of Church Order of the Presbyterian Church in America ("BCO"), comprising the Form of Government, the Rules of Discipline, and the Directory for Worship (see BCO Preface §III). Whenever possible, these Bylaws shall be interpreted so as to be consistent with the Constitution; should any bylaw be found to contradict a provision of the Constitution, the Constitution shall control (see BCO §11-4; 25-7).
- b. The Bylaws and Constitution serve to encourage faithfulness to the mission and identity of the Biblical church.

3. Organization and Incorporation

The church shall be organized as a nonprofit corporation under the laws of the State of Ohio (see BCO §25-7).

4. Government

- a. Nomination and election of church officers must take place according to provisions in the BCO. (See BCO Chapter 24.)
- b. Ruling elders and deacons shall serve for terms of three years. Any elder or deacon may request a leave of absence before the end of any three-year term. He may continue, however, to serve successive terms in accordance with the review process of BCO §24-6 and Bylaw §4.d (See also, e.g., BCO §§24-7, 24-8, 24-9, and 38:2.)
- c. If at any time a ruling elder or deacon becomes unacceptable in his official capacity to a majority of the church which he serves, though he is chargeable with neither heresy nor immorality, his official relationship to the church may be dissolved without censure by the Session at the request of a majority vote of the congregation at a regularly called congregational meeting.
- d. Elders and deacons must submit themselves to a peer review process before standing for reelection. The officers of the church shall conduct a peer review applying standards in BCO 24-1. Any Elder or Deacon whose official relationship has been dissolved may subsequently be reelected and reinstated as per BCO §24-7.

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- e. The Session must maintain job descriptions listing duties for church officers and staff members. Any member of the congregation may request to see current versions of these documents. See, e.g., BCO 8-3, 8-5, 24-1(c).

5. Membership

- a. The membership shall consist of all communing and non-communing members, all of whom have the privilege of pastoral oversight, instruction, and government by the church (see BCO §6). Communing members are those who have made a profession of faith in Christ, have been baptized, and have been admitted by the Session to the Lord's table as provided in Bylaw §5.b (see BCO §25-7). Non-communing members are the baptized children of communing members (see BCO §§6-1; 28-5).
- b. A person may be received into communing membership by a letter of transfer from another church of like faith and practice approved by the Session, by reaffirmation of faith, or by profession of faith. All those desiring membership shall be admitted by the Session upon proper instruction and satisfactory examination.
- c. Members may transfer their membership at their own request by informing the Session of their intention to transfer and the reasons therefore (see BCO §38-3). If a member requests to withdraw because of specific problems or disappointments with the church, the Session shall attempt to resolve those matters so that the member may remain in the church and enjoy greater fruitfulness and personal spiritual growth. If the Session is unable to resolve those matters, it shall offer to assist the member in locating a church of like faith and practice that can respond more effectively to his gifts and needs. If it appears to the Session that a member has requested removal merely to avoid church discipline, that request shall not be given effect until the disciplinary process has been properly concluded (see Matt. 18:12-20; BCO §§38-3, 46-5; Bylaw §16; Guidelines on Church Discipline §§8, 20-22).

6. Pastoral Search Committee

- a. The ordinary Pastoral Search Committee shall be made up of at least two members of Session, two members of the Deaconate, and five communing members of the congregation at large.
- b. This formula may be altered by a majority vote at a called congregational meeting and an alternative formula set forth in accordance with BCO §20-2.

7. Biblical Counseling

- a. All Christians struggle with sin and the effect it has on our lives and our relationships (see Rom. 3:23; 7:7-25). Whenever a Christian is unable to overcome sinful attitudes or behaviors through private efforts, God commands that he should seek assistance from other members, and especially from the pastor and elders, who have the responsibility of providing pastoral counseling and oversight (see Rom. 15:14; Gal. 6:1-2; Col. 3:16; 2 Tim. 3:16-4:2; Heb. 10:24-25; 13:17; James 5:16). Therefore, this church encourages and enjoins its members to make confession to and seek counsel from each other and especially from our pastoral counselors.

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- b. We believe that the Bible provides thorough guidance and instruction for faith and life. Therefore, our counseling shall be based on scriptural principles rather than those of secular psychology or psychiatry. Neither the pastoral nor the lay counselors of this church are trained or licensed as psychotherapists or mental health professionals, nor should they be expected to follow the methods of such specialists.
 - c. Although some members of the church work in professional fields outside the church, when serving as pastoral or lay counselors within the church they do not provide the same kind of professional advice and services that they do when they are hired in their professional capacities. Therefore, members who have significant legal, financial, medical or other technical questions should seek advice from independent professionals. Our pastoral and lay counselors shall be available to cooperate with such advisors and help members to consider their advice in the light of relevant scriptural principles.
8. Confidentiality
- a. The Bible teaches that Christians should carefully guard any personal and private information that others reveal to them. Protecting confidences is a sign of Christian love and respect (see Matt. 7:12). It also discourages harmful gossip (Prov. 16:28; 26:20), invites confession (see Prov. 11:13; 28:13; James 5:16), and encourages people to seek needed counseling (see Prov. 20:19; Rom. 15:14). Since these goals are essential to the ministry of the gospel and the work of this church, all members are expected to refrain from gossip and to respect the confidences of others. In particular, our pastor and elders shall carefully protect all information that they receive through pastoral counseling, subject to the following guidelines.
 - b. Although confidentiality is to be respected as much as possible, there are times when it is appropriate to reveal certain information to others. In particular, when the pastors and elders of this church believe it is biblically necessary, they may disclose confidential information to appropriate people in the following circumstances:
 - (1) When a pastor or elder is uncertain of how to counsel a person about a particular problem and needs to seek advice from other pastors or elders in this church or, if the person attends another church, from the pastors or elders of that church (see Prov. 11:14; 13:10; 15:22; 19:20; 20:18; Matt. 18:15-17).
 - (2) When the person who disclosed the information or any other person is in imminent danger of serious harm unless others intervene (see Prov. 24:11-12).
 - (3) When a person refuses to repent of sin and it becomes necessary to institute disciplinary proceedings (see Matt. 18:15-20 and Bylaw §9) or seek the assistance of individuals or agencies outside this church (see, e.g., Rom 13:1-5).
 - (4) When required by law to report suspected child abuse.
 - c. The pastors and elders may, but need not, provide counselees with written notice of these confidentiality provisions, but these provisions shall be in effect regardless of whether such notice is given.

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9. Conflict Resolution

- a. This church is committed to resolving in a biblical manner all disputes that may arise within our body. This commitment is based on God's command that Christians should strive earnestly to live at peace with one another (see Matt. 5:9; John 17:20-23; Rom. 12:18; and Eph. 4:1-3) and that when disputes arise, Christians should resolve them according to the principles set forth in Holy Scripture (see Prov. 19:11; Matt. 5:23-25; 18:15-20; 1 Cor. 6:1-8; Gal. 6:1). We believe that these commands and principles are obligatory on all Christians and absolutely essential for the well-being and work of the church. Therefore, any and all disputes in this church shall be resolved according to biblical principles, as provided in this bylaw.
- b. When a member of this church has a conflict with, or is concerned about the behavior of another member, he shall attempt to resolve the matter as follows. (1) The offended or concerned person shall prayerfully examine himself and take responsibility for his contribution to a problem (Matt. 7:3-5), and he shall prayerfully seek to discern whether the offense is so serious that it cannot be overlooked (Prov. 19:11; see also Prov. 12:16; 15:18; 17:14; 20:3; Eph. 4:2; Col. 3:13; 1 Pet. 4:8). (2) If the offense is too serious to overlook, the offended or concerned person shall go, repeatedly if necessary, and talk to the offender in an effort to resolve the matter personally and privately, having first confessed his own wrongdoing (Matt. 18:15). (3) If the offender will not listen and if the problem is too serious to overlook, the offended or concerned person shall return with one or two other people who will attempt to help the parties resolve their differences (Matt. 18:16); these other people may be members or officers of the church, other respected Christians in the community, or trained mediators or arbitrators (conciliators) from a Christian conciliation ministry. At the request of either party to the dispute, the church shall make every effort to assist the parties in resolving their differences and being reconciled.
- c. Conflicts involving doctrine or church discipline shall be resolved according to the procedures set forth in the Bylaws on Church Discipline and in Part II of the Book of Church Order. If any party to such a dispute is dissatisfied with a decision reached by an official judicatory (court or ruling body) of this church, he or she may appeal that decision to our Presbytery or General Assembly as allowed in the Book of Church Order, Chapter 40.
- c. If a dispute arises within the church or between a member and the church and cannot be resolved through the internal procedures described above, it shall be resolved as follows:
 - (1) The dispute shall be submitted to mediation and, if necessary, legally binding arbitration in accordance with the *Rules of Procedure* of the Institute for Christian Conciliation and judgment upon an arbitration award may be entered in any court otherwise having jurisdiction.
 - (2) All mediators and arbitrators shall be in agreement with the Westminster Confession of Faith and our basic form of government, unless this requirement is modified or waived by all parties to the dispute.
 - (3) If a dispute submitted to arbitration involves a decision reached by an official judicatory (court or ruling body) of this church or of our presbytery or general assembly, the arbitrators shall uphold the highest judicatory's decisions on matters of doctrine and church discipline.

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- (4) This section covers the church as a corporate entity and its agents, including its pastors, officers, staff, and volunteers with regard to any actions they may take in their official capacities.
- (5) This section covers any and all disputes or claims arising from or related to church membership, doctrine, policy, practice, counseling, discipline, decisions, actions, or failures to act, including claims based on civil statute or for personal injury.
- (6) By joining this church, all members agree that these methods shall provide the sole remedy for any dispute arising against the church or its agents, and they waive their right to file any legal action against the church in a civil court or agency, except to enforce an arbitration decision.
- (7) If a dispute or claim involves an alleged injury or damage to which the church's insurance applies, and if the church's insurer refuses to submit to mediation or arbitration as described in this section, either the church or the member alleging the injury or damage may declare that this section is no longer binding with regard to that part of the dispute or claim to which the church's insurance applies.

10. Church Discipline

Church discipline shall be carried out according to Part II of the Book of Church Order, as explained in the Guidelines for Church Discipline developed and approved by the Session in consultation with the Board of Deacons.

11. Indemnification of Officers

- a. The church shall indemnify any elder or deacon, former elder or deacon, treasurer, employee, agent, or volunteer of the church against expenses actually and reasonably incurred by him in connection with the defense of any action, suit or proceeding, civil or criminal, in which he is made a party by reason of being or having been such elder, deacon, treasurer, employee, agent, or volunteer except in relation to matters as to which he shall be adjudged in such action, suit or proceeding to be liable for willful or reckless disregard of duties or of the law in the performance of his duty.
- b. The Session may choose to indemnify and advance church-related expenses of any elder, deacon, treasurer, employee, agent, or volunteer of the church.