

Title: Disputes

Question: Why have a dispute statement in your by-laws or constitution?

Explanation: Richard R. Hammar, author of *Pastor, Church & Law*, urges churches to make sure that legal language is used in their by-laws to protect themselves in a court of law. Here we look at what a Disputes Clause can do for a churches by-laws. Converge MidAmerica recommends all churches have a disputes clause in their church by-laws. This recommendation is in line with the list of recommended clauses from Church Law & Tax Report.

Sample Statement: Disputes among Members.

If a Member of the Church has a conflict with or is concerned about the behavior of another

Member of the Church, then the matter shall be addressed as follows:

**13.2.1 Examination.** The concerned Member shall prayerfully examine himself or herself, and shall take responsibility for his or her contribution to a problem (Matthew 7:3-5), and he or she prayerfully shall seek to discern whether the concern is so serious that it cannot be overlooked (Proverbs 19:11, 12:16, 15:18, 17:14, 20:3; Ephesians 4:2; Colossians 3:13; I Peter 4:8).

**13.2.2 Confrontation.** If the concern is too serious to overlook, the concerned Member shall go, repeatedly if necessary, and talk to the Member whose behavior is at issue in an effort to resolve the matter personally and privately, having first confessed his or her own wrongdoing (Matthew 18:15).

**13.2.3 Intervention.** If the Member whose behavior is at issue will not listen and if the problem is too serious to overlook, the concerned Member shall return with one or two other people who will attempt to help the parties resolve their differences (Matthew 18:16); these other people may be Members or Elders 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 difference and being reconciled.

**13.2.4 Disputes Between Members of the Church Concerning the Church's Theology or Church Property Ownership:** If a dispute arises between Members of the Church concerning the Church's theology or Church property ownership, and if such dispute cannot be resolved within thirty (30) days through discussions based upon Matthew 18:15-17, then the dispute shall be resolved as follows: The dispute shall be submitted to mediation conducted by the Board of Overseers of the Converge MidAmerica. If the matter cannot be resolved through such mediation, then the Board of Overseers of the Converge MidAmerica, through such procedures that it may adopt, shall make a determination as to the following: (a) whether a dispute concerning the Church's theology or Church property ownership exists between Members of the Church; and (b) if such dispute between Members of the Church exists, which Members

are abiding by these By-Laws. The decision of the Board of Overseers of the Converge MidAmerica with respect to such matters shall be final and non-appealable. The assets of the Church then shall be controlled by those Members who are found by the Board of Overseers of the Converge MidAmerica to be abiding by these By-Laws.

**13.2.5 *Disputes between Members and the Church:*** In the event of any deadlock, claim or other dispute among the Members, Elders, officers, directors, or employees of the Church arising from or related to these By-Laws or the Church which is not resolved within thirty (30) days of notice from one party to all other interested parties, then such deadlock, claim or other dispute shall be settled by Biblically-based mediation and, if necessary, legally binding arbitration in accordance with the then current Rules of Procedure for Christian Conciliation of the Institute for Christian Conciliation, a division of Peacemaker Ministries (complete text of the Rules is available at [www.Peacemaker.net](http://www.Peacemaker.net)). Judgment upon an arbitration decision may be entered in any court otherwise having jurisdiction. Any costs incurred hereunder shall be paid equally by the parties involved in the procedure. These methods shall be the sole and exclusive remedy for any such deadlock, claim or other dispute arising from or related to these By-Laws of the Church, provided, however, that if a dispute involves matters set forth in Article 13.2.4 above, the dispute shall be resolved by means of the procedure stated in section 13.2.4; and further provided, that the decisions of the Board of Elders on matters of church discipline shall be final and not subject to section 13.2.4 or section 13.2.5.

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