

ALIGNING CONSTITUTIONS & BYLAWS:

What is the purpose of this document?

With the revisions being made to the CCMB General Operating Bylaw for the Collaborative Model, there is a growing need to align the governing documents of the provincial conferences and national. For instance, a church becomes a member of the national conference when it first becomes a member of a provincial conference. The provincial conferences have the authority to define the membership requirements as well as the membership application process for churches in the conference, so the provincial documents should be clear and consistent across Canada. This document was created to provide a checklist and some samples for provincial conferences to consider as the national Conference implements the Collaborative Model.

How was this document created?

This document was created by reviewing the constitutions and bylaws of the six provincial conferences. The samples provided are adapted from the best practices already found in the provinces. For instance, the ONMB bylaw includes an excellent definition of the national and provincial relationship. BCMB has made membership requirements very explicit and ABMB defines a comprehensive membership process. Also, based on the changes being made to the national bylaw, some new requirements were identified.

How can this document be used?

This document can be used like a checklist with suggestions. Provincial conferences are not required to replace their bylaws with the suggested wording. The provinces may simply review what is suggested to confirm that their existing wording has similar content to match some of the features of the samples offered. Some suggestions may require significant board and church conversations as the requirements and processes are clarified. Note: words in brackets & italics such as *{name}* will be replaced by the specific conference name.

Can you give an example of how to use this document?

The current version of the ONMB Bylaw states:

3.1 Statement of Faith

The statement guiding the faith and practice of the Ontario Conference of Mennonite Brethren Churches shall be the Confession of Faith that was adopted by the General Conference of Mennonite Brethren Churches in North America at its meeting convened in July 1999 in Wichita, Kansas.

This document suggests the following:

Statement of Faith

1. The statement guiding the faith and practice of the *{name}* shall be the Confession of Faith that is adopted by the Canadian Conference of Mennonite Brethren Churches as amended from time to time.
2. Neither the *{name}* nor its Member Churches (as defined in the General Operating Bylaw) shall pass or accept resolutions or practices which are in conflict with this Confession of Faith.
3. The Member Churches of the *{name}* shall accept the wisdom, guidance and rulings of the Provincial Faith and Life Team and National Faith and Life Team in matters relating to the faith and practice described in the Confession of Faith.

The ONMB Bylaw must be updated because it is out of date. The dissolution of the General Conference means that Canada now has its own Confession. The phrase, “as amended from time to time” is also important as the National Faith & Life Team is proposing changes to Article 8 of the Confession. The ONMB can decide whether to include all three statements or just one, depending on the other articles and statements already made in their bylaw.

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CONSTITUTION OPTIONS:

Introductory Notes:

The use, format, and contents of a Constitution will depend upon the legal registration requirements that apply in each province. The following samples are provided in the case that any of these topics are included in the governing documents or objects (such as letters patent) in addition to the bylaws. Any of these four areas might be included into the General Operating Bylaw instead of the Constitution.

1.0 Statement of Faith/Confession of Faith

1. The statement guiding the faith and practice of the *{name}* shall be the Confession of Faith that is adopted by the Canadian Conference of Mennonite Brethren Churches, as amended from time to time.
2. Neither the *{name}* nor its Member Churches shall pass or accept resolutions or practices which are in conflict with this Confession of Faith.
3. The Member Churches of the *{name}* shall accept the wisdom, guidance and rulings of the Provincial Faith and Life Team and National Faith and Life Team in matters relating to the faith and practice described in the Confession of Faith.

2.0 Affiliation/Membership

The *{name}* is a Member Organization of the Canadian Conference of Mennonite Brethren Churches and shall support its activities and carry out its decisions. As defined in the Canadian Conference Bylaw, the Member Churches of the *{name}*, by virtue of their membership in the *{name}* are Member Churches of the Canadian Conference.

3.0 Purpose

The purpose of the *{name}* shall be to:

1. To promote, maintain, superintend and carry on in accordance with the doctrinal laws, constitution, acts and rulings of the Canadian Conference of Mennonite Brethren Churches, any or all of the work of that body.
2. Etc.

4.0 Dissolution

If upon dissolution or winding up of the *{name}* there remains, after the satisfaction of all its debts and obligations, any property or assets whatsoever, then said property or assets shall be given or otherwise transferred to the Canadian Conference of Mennonite Brethren Churches, or, if not in existence, then to some other Canadian charitable organization or organizations having cognate or similar objects, provided that such organization is a charitable organization within the meaning of the Income Tax Act for the time being in force.

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BYLAW OPTIONS:

Introductory Notes:

The organization and contents of each provincial conference's bylaws will depend upon the laws or acts (society or corporate not-for-profit) that apply to that conference. The following samples are provided as examples for aligning provincial and national bylaws to meet the following objectives:

1. To properly define the relationship between the national and provincial conference,
2. To ensure that the Confession of Faith has been used in the bylaws with proper expectations,
3. To explain the hierarchic relationship between national and provincial conference membership,
4. To identify what authorities are held by the province related to membership,
5. To set consistent rules relating to membership across all provinces, and
6. To align the work of the Provincial Faith & Life Team to the National Faith & Life Team

Using this checklist may also help to develop greater consistency of practices across Canada. The goal is to share some best practices among provinces.

PREAMBLE:

Notes: Many bylaws include a short preamble to provide information or context about the bylaws. The following is a sample of a prayer used in the ONMB Bylaw as part of the preamble.

Prayer for the Conference

“Lord, we humbly bring the words of this Bylaw before You and we pray for the health of our denomination and conference of churches. While we understand that these words are written under the authority of government acts, we proclaim that our heart, soul, mind and strength are dedicated to You, and to Your service to bring You glory. Lord, please help all who seek guidance in this Bylaw to deal with one another according to Your words in scripture under the guidance of the Holy Spirit. Amen.”

1.0 NATIONAL PROVINCIAL CONFERENCE RELATIONSHIP

Notes: Much of this text comes from the ONMB Bylaw where a separate article was created to describe the national/provincial relationship at the very start of the Bylaw. Some of this information might also be included under definitions.

1.1 Canadian Conference of the Mennonite Brethren Churches

The Canadian Conference of the Mennonite Brethren Churches (the “Canadian Conference”) is the national body incorporated by an act passed by the Senate on 22nd November, 1945. It is comprised of all the Mennonite Brethren churches in Canada, which in turn are generally organized into regional conferences, usually on a provincial basis.

1.2 Relation to the Canadian Conference

1. The *{name}* is a Member Organization of the Canadian Conference of the Mennonite Brethren Churches and shall support its activities and carry out its decisions as described in the Canadian Conference Bylaw and the Collaborative Model.
2. As defined in the Canadian Conference Bylaw, a Member Church of the *{name}*, by virtue of its membership in the *{name}*, is a Member Church of the Canadian Conference.

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□ 1.3 Organization of Provincial Conferences

Pursuant to the governing documents of the Canadian Conference, the *{name}* is at liberty to apply for the issuance of *{letters patent}* and to prepare and adopt bylaws of its own according to its existing needs, provided that such are in harmony with the governing documents of the Canadian Conference.

□ 1.4 Authority of the Conferences

1. The *{name}* and the Canadian Conference, as a nationally recognized religious denomination, may grant its Member Churches with legal standing pertaining to credentialing of clergy, land holdings, tax relief and other affiliations available.
2. The *{name}* shall exercise authority in matters that relate to the common work and welfare of Member Churches in keeping with the Bible, Confession of Faith and this Bylaw.

2.0 STATEMENT OF FAITH

Notes: Provincial bylaws should contain a separate article for the Statement of Faith used by the Conference. The title of "Statement of Faith" is used as a more generic legal term.

□ 2.1 Statement of Faith

1. The statement guiding the faith and practice of the *{name}* shall be the Confession of Faith that is adopted by the Canadian Conference of Mennonite Brethren Churches as amended from time to time.
2. Neither the *{name}* nor its Member Churches shall pass or accept resolutions or practices which are in conflict with this Confession of Faith.
3. The Member Churches of the *{name}* shall accept the wisdom, guidance and rulings of the Provincial Faith and Life Team and the National Faith and Life Team in matters relating to the faith and practice described in the Confession of Faith.

3.0 MEMBERSHIP

Notes: Properly defining church membership in the Conference is very important. Each province may have its own set of specific requirements based on provincial legislation. This section covers a wide range of topics. Clearly, there are many ways to define membership requirements and the application process. It will be helpful to use a checklist approach to this section, making comparisons to your existing bylaws and to the current legal requirements in your province. In some cases, there are two options given: a summary paragraph or a detailed list.

□ 3.1 Membership Requirements

The *{name}* may grant membership to any church or assembly of believers (congregation) which professes the same faith as that of the *{name}*, accepts its resolutions, values and mission, understands the responsibilities and expectations of membership, and participates in its common undertakings.

OR

The *{name}* may grant membership to any church which accepts:

- (1) the *{name}*'s Constitution and Bylaw,
- (2) the Charter and Bylaw of the Canadian Conference,
- (3) the Confession of Faith,
- (4) the *{Common Understandings/Membership Covenant}*,
- (5) the Collaborative Model,

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(6) the {name}'s resolutions, and

(7) will actively participate in the {name}'s common undertakings.

A Member Church may not be a member of any other denomination.

□ 3.2 Rights of Membership

A Member Church in good standing has the right to identify itself as a Member of the Mennonite Brethren denomination in Canada and to operate under any rights and privileges afforded to the denomination, including having credentialed and licensed pastoral staff. Member Churches can join into fellowship at meetings to pass resolutions and elect office holders for ministry. Member churches can access a variety of ministry resources and can participate in financial and operational programs offered by the {name} for its Members.

OR

A Member Church in good standing has the right to:

1. Identify itself as a church within the Mennonite Brethren denomination in Canada and operate under any rights and privileges afforded to the denomination;
2. Send church delegates to participate in and vote on resolutions at meetings of the membership;
3. Identify candidates to serve as officers or directors of {name} and its related ministries;
4. Access ministry resources made available by the {name} to the membership; and
5. Participate in financial and operational programs created by the {name} for the membership.

□ 3.3 Membership Responsibilities

A Member Church shall commit to working collectively on mission under the Collaborative Model of the {name} and Canadian Conference. Each Member Church accepts as binding upon it the decisions of the {name} concerning the operation and finances of the projects of the {name} and shall conscientiously carry out those decisions within the {name} so far as it is able. Each Member Church shall conduct its affairs as required by and consistent with this Bylaw, and shall not pass resolutions or bylaws that are in conflict with the {name}. A Member Church shall be led by a pastor who has been credentialed by the {name}.

OR

1. Member Churches shall teach and uphold the Confession of Faith.
2. Member Churches shall meet all Membership Requirements listed in {reference}.
3. Member Churches shall commit to, and conduct their affairs as required by and consistent with this Bylaw and not pass resolutions in conflict with the {name}.
4. Member Churches shall support the mission of the {name} and Canadian Conference under the Collaborative Model.
5. Member Churches shall attend meetings of the {name}.
6. Member Churches shall forward statistical and financial information to the {name} upon request to facilitate the business of the {name}.
7. Member Churches shall financially support the approved budget of the {name} and the Canadian Conference.
8. Member Churches must be led by a pastor who has been credentialed by the {name} or the Canadian Conference.

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□ 3.4 Membership Application Process

Any local church may petition the *{name}* for membership using the following process:

1. A church desiring membership shall make application to the Board, who, in consultation with the Faith and Life Team, shall determine whether the church meets the criteria for membership as outlined in this Bylaw.
2. As part of its application, the church must pass a resolution at a general meeting setting out approval of all items set out in the Membership Requirements *{reference}*. A certified copy of the resolution shall be filed with the Board. Such resolution will also require that the church will not be a member of another denomination upon admission into membership.
3. If the Board approves the application, it shall present the application at the next meeting of the membership for a decision by the Member Churches.
4. After approval by the Member Churches and prior to being officially received into membership, the church must complete the steps of incorporating into its bylaws the Confession of Faith and adherence to the General Operating Bylaw of the *{name}*. A certified copy the bylaws shall be filed with the Board.
5. Upon the passing of a final resolution by the Board that all conditions have been met, the church is received into membership of the *{name}* as well as membership in the Canadian Conference.

□ 3.5 Investigation

The Board shall begin investigation of any Member Church that, in the opinion of the Board, fails to adhere to the polity as described in this Bylaw or the Canadian Conference Bylaw, or fails to adhere to the Confession of Faith, such that it could create undue risk spiritually or financially or legally, or in any other manner that damages the unity, purpose and mission of the *{name}*. The desired outcome, where possible, is for any such issues to be rectified in order for the Member Church to remain in good standing with the *{name}*.

OR

The *{name}* may begin the process of investigation to suspend or revoke a church's membership in cases such as when a Member Church:

1. fails to meet its Membership Responsibilities *{reference}*;
2. fails to accept the decisions of the *{name}* or support the resolutions of the *{name}*;
3. causes ill report on account of its actions or conduct;
4. no longer adheres to the Confession of Faith of the *{name}*;
5. fails to support the *{name}'s* purposes or mission or values;
6. creates undue risk spiritually or financially or legally; or
7. in any other manner that damages the purpose and mission of the *{name}*.

The desired outcome, where possible, is for any such issues to be rectified in order for the Member Church to remain in good standing with the *{name}*.

□ 3.6 Suspension or Termination of Membership for Cause

Before membership is suspended, the Board, in consultation with the Faith & Life Team, will:

1. Send to the Member Church written notice of the proposed discipline, including the reason for such proposed suspension or expulsion,; and
2. Give the Member Church a reasonable opportunity to make representations to the *{name}* respecting the proposed discipline.

Upon a resolution of the Board, a church that is suspended is considered to be in "not good standing" with the *{name}* as well as with the Canadian Conference.

Membership in the *{name}* will be revoked:

1. After a careful examination of the circumstances according to the Dispute Resolution *{reference}*;

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2. Upon the recommendation of the Board; and
3. A special resolution passed by the Member Churches.

Termination of membership in the *{name}* also terminates membership in the Canadian Conference.

3.7 Voluntary Termination of Membership

1. A Member Church may voluntarily withdraw from the *{name}* at its own request, by submitting to the Board, a certified copy of the official minutes of a properly convened church meeting whereby a resolution was passed by its members to withdraw from the *{name}*.
2. A Member Church that joins another denomination shall be deemed to have voluntarily withdrawn from membership in the *{name}*.
3. Termination of membership in the *{name}* also terminates membership in the Canadian Conference.

3.8 Automatic Termination of Membership

Unless granted special dispensation as acknowledged by a resolution passed by the Board, membership in the *{name}* automatically terminates upon the happening of any of the following events:

1. Revocation or loss of charitable status as granted by the Canada Revenue Agency;
2. Revocation or loss of the legal registration under which the church was formed;
3. Dissolution or closing of the church; or
4. Joining another denomination.

Termination of membership in the *{name}* also terminates membership in the Canadian Conference.

3.9 Reintegration of A Member Church

1. Any Member Church whose membership has been suspended for the reasons listed above *{reference}* can be reinstated by a resolution of the Board upon the Board's satisfaction that the concerns have been adequately rectified.
2. Any Member Church whose membership has been revoked for the reasons listed above *{reference}* can be reinstated after completing the membership application procedures as described above *{reference}*.

3.10 Division of a Church

When an existing Member Church deems it advisable to divide or establish a new congregation, the Faith and Life Team shall be informed and consulted at the initial planning stages. After such a division has been completed, the new congregation may apply to the Board for membership according to the steps outlined in the Membership Application Process *{reference}*.

3.11 Closing of a Member Church

The initiative for the closing of a church normally comes from the membership of that church at such a time when continuing as a church entity is no longer a viable option. Before a decision to close a church is reached, the church shall invite consultation with the *{name}*. The church's membership is terminated upon closing of the church.

3.12 Transfer of Membership

Membership in the *{name}* is not transferable.

3.13 Liability of Membership

Member Churches shall not, as such, be held answerable or responsible for any act, default, obligation or liability of the *{name}* or for any engagement, claim, payment, loss, injury, transaction, matter or thing relating to or connected with the *{name}*.

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□ 3.14 Autonomy of Member Churches

Each Member Church is autonomous in the management of its local affairs, but only to the extent that the Member Church's local affairs are not subject to the Confession of Faith, Letters Patent, bylaws, policies, or procedures of the *{name}*.

□ 3.15 Individual Membership in a Member Church

Each Member Church shall establish in its governing documents all conditions for an individual to be a member in good standing of their church, including procedures for acceptance, termination, discipline, withdrawal, and transfer of an individual's membership. The Member Church's governing documents shall be used to determine the number of members in the church. All membership policies and practices should align with the guidelines of the *{name}* and Canadian Conference.

4.0 FAITH & LIFE TEAM

Notes: Each province shall have a Provincial Faith and Life Team (or equivalent) that serves in relationship with the National Faith and Life Team since the Confession is a national document belonging to the denomination as a whole.

□ 4.1 Duties

1. It shall maintain the centrality of the Confession of Faith and shall interpret and apply it to all *{name}* ministries and programs in a manner consistent with interpretations and practices of the Canadian Conference and the National Faith and Life Team.
2. It shall appoint one of its committee members to serve on the National Faith and Life Team of the Canadian Conference.

5.0 Other Possible Inclusions for Aligning Bylaws

Notes: This section includes a few other suggestions so that the commitments listed in the national Bylaw are noted in each province to act as a reminder and for completeness. Not every responsibility has to be restated. This section identifies some of the commitments that could be added to existing sections as a way of reminder for aligning responsibilities.

□ 5.1 Board Duties

1. It shall appoint one of its Board members to serve on the Executive Board of the Canadian Conference.
2. Board Members will attend National Assembly conventions to represent the *{name}* and participate in decision making under the Collaborative Model.

□ 5.2 Purpose of Meetings/Conventions of the Provincial Conference

1. To hear and receive reports from the Canadian Conference.
2. To provide feedback to the Canadian Conference.
3. To vote on decisions from the Canadian Conference under the Collaborative Model.

□ 5.3 Use of the term "in good standing"

1. A Member Church must be in good standing to receive or exercise any of the rights and privileges of membership in the *{name}* and the Canadian Conference.
2. A Member Church must be in good standing to send delegates to vote at a meeting of the membership.

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3. A person must be an active member in good standing of a Member Church that is in good standing with the *{name}*, to be qualified to be a member of the Board, a committee, or a representative of the *{name}*.

5.4 Delegate Ratios and Voting at Convention

Following is the wording of the CCMBC Bylaw regarding the delegate ratio at Conventions:

1. Each Member Church in good standing shall be entitled to be represented at any Convention by delegates. Each delegate must be 18 years of age or older, must be a member in good standing, and shall be approved as a delegate by the church membership or governing board of the church. The maximum number of delegates is one (1) pastoral delegate per church and one (1) other delegate for every twenty-five (25) members or fraction thereof of that Member Church.
2. Each delegate to a Convention shall have one vote, which must be cast in person.
3. Proxy voting shall not be permitted. Absentee voting shall not be permitted.

6.0 Other Best Practices Observed Across Provinces

Notes: Following are a few other ideas from different provincial bylaws that may be helpful as you consider revisions. These are not required for the Collaborative Model.

- Conflict Resolution Committee (see MBCM Article 15)
- Dispute Resolution (see Article 22 in CCMBC Bylaw)
- Membership of an Individual in a Member Church (By-law 6 in BCMB)
- Policy of Care, Concern, and Conflict (see ABMB policy document)

Full Sample of Faith & Life Teams (Based on ONMB)

- (1) The committee shall initiate, study and recommend any matters of faith and life related to the issues of ministry and church life in the *{name}* or to the relationship of the *{name}* to broader issues in society at large.
- (2) It shall maintain the centrality of the Confession of Faith and shall interpret and apply it to all *{name}* ministries and programs in a manner consistent with interpretations and practices of the Canadian Conference and the National Faith and Life Team.
- (3) It shall administer the processes for both credentialing and de-credentialing individuals for Christian ministry who serve the congregations of the *{name}*, or who serve in other similar leadership and spiritual functions.
- (4) It shall maintain the registry regarding the active and licensed ministers of the *{name}*.
- (5) It shall give guidance to congregations in matters of faith and doctrine.
- (6) It shall appoint one of its committee members to serve on the National Faith and Life Team of the Canadian Conference.
- (7) It shall assist the Board in discerning new congregations applying for membership in the *{name}*.
- (8) It shall assist the Board, as requested, in matters of the suspension, revocation or reinstatement of a Member Church.