

Guide to Church Constitutions

An unincorporated church association is in essence a group of individuals who associate on a voluntary basis but which has no existence apart from the members themselves. The members of the church join together for the promotion of Christian objects and their conduct in relation to one another is regulated in accordance with a constitution, bylaws, rules or regulations to which they have subscribed.

There are only **two legal requirements** which must be included in the church constitution:

- **Religious Organizations Land Act**

To facilitate the ownership of property, the constitution must provide for trustees who will own the church's property in their own names in trust for the unincorporated church

- **Canada Revenue Agency**

The church constitution must confirm that the church is being carried on exclusively for charitable purposes, that upon dissolution its assets will be transferred to another registered charity, that the church be operated without profit or gain to its members, and that there be some type of basic church government in place.

The following items should be included:

1. **The legal name of the church**

- It may be different than the “operating name”
- It should match both the name on the deeds and the name under which charitable status has been granted

2. **The purpose/objects**

- Include the statement that they are exclusively for charitable purposes and will not result in any profit/gain to the members

3. **Statement of Faith/Covenant**

4. **Membership**

- Definition of membership
- Qualification for membership
- Admission to membership
- Privileges, rights and duties of membership
- Withdrawal and removal
- Adherents
- Membership and adherent record
- Resolution of disputes among members/adherents
- Circumstances giving cause for discipline
- Restoration through discipline
- Procedure for discipline
- Waiver and mediation

5. Members meeting

- Quarterly/annual meetings
- Notice of meeting
- Waiver of notice
- Omission of notice
- Quorum
- Chairperson
- Majority vote
- Voting procedure
- Voting rights
- Adjournment
- Other special meeting

6. Church structure

- Definition (i.e. - Deacons/Elders/Church Council)
- Qualification for appointment/election
- Term
- Removal
- Duties
- Meetings

7. Pastor, Associate Pastor(s), other staff

- Definition of position and general outline of duties
- The calling of pastoral staff including establishment, composition and duties of pastoral search committee, recommendation to congregation and vote
- Resignation of pastoral staff
- Removal of pastoral staff
- Terms of employment of other staff

8. Officers

- Names of officers (positions)
- Definition of officers
- Qualification of officers

9. Trustees

- Definition of duties
- Qualification for appointment
- Election and term of office
- Chairperson
- Meetings
- Resignation/removal

10. Committee structure

- Definition and duties of each committee
- Qualification for membership on committees
- Election and term of office
- Chairperson
- Meetings
- Removal/resignation of members

11. Special committees

- How formed
- Election and term of office

12. Affiliation

- Include membership in Association and Canadian Baptists of Ontario and Quebec
- Affiliation with Canadian Baptist Ministries and Baptist World Alliance

13. Disbursement of assets upon dissolution

- To another registered charity
- Process for decision making

14. Policy Statements

- Include process for development and ratification of policy statements

15. General provisions

- Execution of documents and cheques
- Financial year end and financial control
- Books and records
- Financial statements, budget and audit
- Amendments to constitution

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