



# Entrusted: From the Altar to the Courthouse

*Roles & Responsibilities of the Church Trustee*



Monday, September 16, 2024  
12:00Noon

Zoom ID: 876 5365 4568

Zoom Password: 790104

Conference Call#: 301.715.8592

Training for Church Trustees & Officers  
in the Commonwealth of Virginia

**Register Today:** <https://www.bgcva.org/training.html>

**To Attend:**

<https://us02web.zoom.us/j/87653654568?pwd=c2d5Nm1TbDNNU1IWMWFGTkVJOVAwQT09>

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**Dr. James E. Coleman**  
Convention President

**Dr. Leo Whitaker**  
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**Reverend Michael Shannon**  
Clergy Ministry President

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Churches should ensure that their \_\_\_\_\_ and \_\_\_\_\_ are consistent with Biblical, Doctrinal, and State Laws.

#### **4 Governing Documents of Church Trusteeship**

1. Word of God
2. Baptist Doctrine
3. Virginia State Law
4. \*Bylaws & Constitution (with the condition that they are consistent with the first three)

#### **What is a Church Trustee?**

Church Trustee responsibilities differ from church to church. Common Trustee responsibilities include...

#### **3 Components of Church Trusteeship**

- 1) The \_\_\_\_\_ (Church leaders and heads)
- 2) The \_\_\_\_\_ (Those entrusted with oversight responsibilities.)
- 3) The \_\_\_\_\_ (Congregation and members)

Smith, David H., *Entrusted*, 1995, p. 5.

#### **Church Trustee/Officer Ministry/Board Meeting Responsibilities**

1. Trustee Meetings: All trustees should attend all \_\_\_\_\_.
2. Be Transparent: Ensure that all actions taken by the Trustee Ministry/Board during the course of all Trustee Meetings are consistent with the \_\_\_\_\_ (Bylaws & Constitution) as approved by the congregation.
3. Ensure that all actions taken and/or discussed during the Trustee Meeting are properly \_\_\_\_\_ and \_\_\_\_\_.

4. Trustee Meeting Packet:

A Packet of the following Trustee related information should be sent to all Trustees in advance of each Trustee Meeting:

- A. \_\_\_\_\_: The agenda of all matters to be discussed during the scheduled Trustee Meeting.
- B. \_\_\_\_\_: Any contracts, invoices, or business-related information that reference or support any agenda items that will be discussed.
- C. Previous Meeting's Minutes: The meeting minutes detailing all conversations, decisions, and actions during the previous Trustee Meeting.

**Church Trustee & Officer Moral Responsibilities**

Trustees & Church Officers must not be \_\_\_\_\_, but must possess the desire and the ability to do what best benefits the congregation, church, and Body of Christ.

**Church Trustee Equation**

The Church's Legal Representative  
+ Other Responsibilities Empowered by the Church  
The Church Trustee

**Moral Characteristics of the Church Trustee**

**Spiritual Characteristics of the Church Trustee**

- 1. Regularly attending the church's \_\_\_\_\_ activities such as Bible Study, Sunday Church School, and Sunday morning Worship Service.
- 2. Being regular \_\_\_\_\_ and \_\_\_\_\_ towards the church's ministry and mission.
- 3. Maintaining personal \_\_\_\_\_ at home.
- 4. Being a Christian example for \_\_\_\_\_ as well as the members of their families in their homes.

## **Church Trustee/Officer “Fiduciary” Responsibilities**

The Trustee’s obligation to be loyal to their church.

Requires that any transaction or decision made between the board and one of the board’s members be...

### **Fiduciary Duty of Trustees**

Church Trustees and Church Officers have an obligation to be \_\_\_\_\_ to the church and perform their responsibilities with “\_\_\_\_\_” in managing their duties for the church they serve. Furthermore, Trustees and Officers should ensure that their actions do not \_\_\_\_\_ the authority that is vested in them by the church’s governing documents (Bylaws & Constitution).

An officer of a nonprofit organization has a continuing fiduciary duty of loyalty and care in the management of the [church’s] fiscal and investment affairs and acts in violation of that duty if...

### **The Church Trustee/Officer’s Moral Right & Responsibility to “Dissent”**

Trustee Dissentions & Resignations

“I Dissent” Means

1. To differ in the common opinion to the point of withholding your approval.
2. To hold an opinion that differs from the commonly or officially expressed opinion of others.
3. To disagree to the point of withholding your approval.

## **Trustee Dissentions & Resignations**

Trustees/Church Officers should “Dissent” from any action, motion, discussion of the Trustee Ministry/Official Board that is inconsistent with their...

1. Moral Responsibilities
2. Spiritual Beliefs
3. Fiduciary Accountabilities
4. Church’s Bylaws/Constitution
5. State/Federal Laws

## **Trustee Dissentions & Resignations**

The Dissenting Trustee/Officer should state the reason and purpose of their objection and insist that their objection be properly \_\_\_\_\_ and \_\_\_\_\_ in the meeting minutes for which the dissenting objection was made.

### **Trustees/Officers should resign from the Trustee Ministry/Board if...**

1. There are actions being taken by one or more members of the Trustee Ministry/Board on behalf of the Trustee Ministry/Board that may result in \_\_\_\_\_ being brought against the Trustee/Officer, the Trustee Ministry/Board of the church to which they are serving.
2. The Trustee/Officer is for any reason unable to fulfill his/her \_\_\_\_\_ as a member of the Trustee Ministry/Board.
3. The Trustee Ministry/Board is insistent upon conducting itself in a manner that is \_\_\_\_\_ with the State/Federal Laws or Spiritual, Doctrinal, Moral, Ethical, and Governance (Bylaws & Constitution) of the church.

### **4 Types of Church Trustee/Officer Authority**

- Express Authority (Written/Approved Authority)
- Implied Authority (Necessary Authority)
- Inherent Authority (Entitled Authority)
- Apparent Authority (Misleading Authority)

## **Contract Liability/Apparent Authority**

Church board members may be personally liable for...

1. Contracts they sign if they do so without \_\_\_\_\_, or...
2. If they fail to indicate that they are signing as a \_\_\_\_\_ of the church.

## **Virginia Congregational Options to Responding to Unauthorized Actions of Church Trustees & Officers**

Ratifying/Approving Unauthorized Transactions of Church Officials

Liability of Church Officers for Unauthorized Actions

### **What is the Meaning of “Liable”?**

- To be held legally \_\_\_\_\_ for something or someone.
- To be made responsible and legally \_\_\_\_\_ by law.
- To be held \_\_\_\_\_ for one’s actions.

### **Tort**

- Conduct that causes personal \_\_\_\_\_ or \_\_\_\_\_ to another.
- A \_\_\_\_\_ other than breach of contract (i.e. careless operation of a church-owned vehicle, defamation, fraud, wrongful termination of an employee).

Trustees & Officers of Non-Profit Organizations generally are not personally liable for the church’s Torts. However, personal liability can be the result of an officer’s action such as...

- Personal \_\_\_\_\_ of Trustees & Church Officers
- Knowingly and willfully allowing an \_\_\_\_\_ to exist on church premises.
- Negligent operation of a \_\_\_\_\_ or church owned equipment.
- Negligent supervision of a church \_\_\_\_\_ that results in injury.
- Termination of an employee for an \_\_\_\_\_ reason.
- \_\_\_\_\_ comments about another person.
- Writing checks against an \_\_\_\_\_ funds account

## **“Liability” in the Word of God**

The title of trustee is not mentioned in the Bible although there are concepts of trusteeship and liability referenced in various areas of Scripture.

Leviticus 6:2-5 (NIV)

James 3:1 (NIV)

Matthew 25:14-15 (NIV)

Luke 19:12-15 (NIV)

James 4:17 (NIV)

## **“Same-Sex Marriage & the Church” in the Code of Virginia**

### **Code of Virginia § 20-13.2**

#### **Marriage Lawful Regardless of Sex, Gender, or Race of Parties**

“No person authorized by § [20-14](#) to issue a marriage license shall deny the issuance of such license to two parties contemplating a lawful marriage on the basis of the sex, gender, or race of such parties. Such lawful marriages shall be recognized in the Commonwealth regardless of the sex, gender, or race of the parties.

**Religious organizations and members of the clergy acting in their religious capacity shall have the right to refuse to perform any marriage.”**

### **Schraft v. Leis, 686 P.2d 865 (Kan. 1984) Court Definition & Purpose of “Bylaw”**

The bylaws of a corporation are the rules of law for its government. The term "bylaw" may be further defined according to its [35\\*35](#) function, which is to prescribe the rights and duties of the members with reference to the internal government of the corporation, the management of its affairs, and the rights and duties existing among the members.

Bylaws are self-imposed rules, resulting from an agreement or contract between the corporation and its members to conduct the corporate business in a particular way. Until repealed, bylaws are the continuing rule for the government of the corporation and its officers.

**Richard Hammer’s Answer to Including Same-Sex Marriage  
Statements in Church Bylaws**

*This definition [Schraft v. Leis, 686 P.2d 865 (Kan. 1984) Court Definition & Purpose of “Bylaw”] suggests that matters not related to the internal governance and administration of a church are more appropriately addressed elsewhere, such as in resolutions or policies.*

**Code of Virginia § 8.01-220.1:1  
Civil Immunity for Officers of Tax-Exempt Organizations**

Civil Immunity for Officers, partners, members, managers, trustees and directors of certain tax exempt organizations.

**Code of Virginia § 8.01-220.1:1 (A)  
Civil Immunity for Officers  
(Without Compensation)**

“Directors, partners, members, managers, trustees and officers of organizations exempt from income taxation under § 501(c) or § 528 of the Internal Revenue Code who serve without compensation shall be immune from civil liability for acts taken in their capacities as officers, partners, members, managers, trustees or directors of such organizations.”

**Code of Virginia § 8.01-220.1:1 (B)  
Civil Immunity for Officers  
(With Compensation)**

“In any proceeding against a director, partner, member, manager, trustee or officer of an organization exempt from income taxation under § 501(c) or § 528 of the Internal Revenue Code who receives compensation, the damages assessed for acts taken in his capacity as an officer, partner, member, manager, trustee or director...

...and arising out of a single transaction, occurrence or course of conduct shall not exceed the amount of compensation received by the officer, partner, member, manager, trustee or director during the 12 months immediately preceding the act or omission for which liability



was imposed. As used herein ‘compensation’ shall mean payment for services over and above per diem and expenses.”

**Code of Virginia § 8.01-220.1:3**

**Immunity for Members of Church, Synagogue, or Religious Body**

“No member of any church, synagogue or religious body shall be liable in tort or contract for the actions of any officer, employee, leader, or other member of such church, synagogue, or religious body solely because of his/[her] membership in such church, synagogue or religious body. Nothing in this section shall prevent any person from being held liable for his/[her] own actions.”

**Code of Virginia § 8.01-220.1:1 (C)**

**Civil Immunity for Tax Exempt Officers**

**(Willful Misconduct or a Knowing Violation)**

The liability of an officer, partner, member, manager, trustee or director shall not be limited as provided in this section if the officer, partner, member, manager, trustee or director engaged in willful misconduct or a knowing violation of the criminal law or if liability derives from the operation of a motor vehicle, or from the violation of a fiduciary obligation imposed during the period of declarant control by § 55.1-1943.

**Code of Virginia § 8.01-220.1:1 (D)**

**Civil Immunity for Officers**

**(Willful Misconduct or a Knowing Violation)**

“The immunity provided by this section shall survive any termination, cancellation, or other discontinuance of the organization.”