

# PASTOR, CHURCH & LAW

GPA 722-A1; SYLLABUS; SPRING-A 2020

## Professor

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## Course Description

A survey of the complex legal and organizational issues confronting pastors and churches in modern America. Students will develop an understanding of the role and relationship of the church in American law and a practical overview of the legal relationship between the pastor, the church, and its congregation including liability and risk management, financial and tax administration, and employment law. This course will also cover the clergy-penitent privilege, clergy malpractice, and the Constitutional rights of the pastor. (3 credits)

## Course Resources

- You must acquire a copy of the course textbook, *Pastor, Church & Law*, Fifth Edition, Richard R. Hammar. The book is available in hard copy or as an electronic version with a 1-year subscription to *churchlawandtax.com*. A special student rate is available for just \$69 (which includes access. [Use this link to subscribe](#). Your expense for this resource will be underwritten by a generous donation from Eternal Vision. If you prefer the more expensive hard copy for your permanent library, you will be credited up to the online subscription amount. Email a copy of your receipt to the Seminary office and a credit for \$69 will be placed on your student account.
- You should also download this free resource, The 2019 State of Church Compensation Report, Christian Ministry Resources, from this website: <https://store.churchlawandtax.com/2019-state-of-church-compensation-report/>
- The eLearning website where most online course interaction will take place is: [https://my.mbu.edu/ICS/Academics/GPA/GPA\\_722/2020\\_SP-GPA\\_722-A1\\_OL/](https://my.mbu.edu/ICS/Academics/GPA/GPA_722/2020_SP-GPA_722-A1_OL/)

## Course Objectives

1. In this survey course you will acquire a basic body of knowledge that will include the essential facts and principles necessary to make appropriate leadership decisions. In order to reach this goal, you must:
  - ✓ become conversant with basic legal concepts and terminology necessary to function in today's non-profit ministry environment,
  - ✓ use your knowledge to assess the risks and liabilities in factual cases presented,

- ✓ appreciate the opportunities and limitations common to the legal environment offered to non-profit ministry organizations like the local church, and
- ✓ comprehend situations in which you must pursue professional legal assistance.

Furthermore, you will be able to recommend appropriate organization actions to minimize legal risks. These responses will be considerate of the competing concerns often faced by pastors.

2. You will develop an ability to examine common ministry events and conditions and weigh the advantages and disadvantages of alternative plans and responses to them.
3. You will be given the opportunity to internalize that which you have been exposed to in the pursuit of objectives one and two. Regular class discussion boards regarding cases will involve you in true-to-life scenarios.
4. You will be familiar with the general application of these legal principles in the context of your local church and other Christian ministry responsibilities.

## Course Assessment Criteria

You will be evaluated on your ability to accurately think through complex legal issues (presented with cases and test questions), use the various legal concepts, combine them appropriately, and determine appropriate solutions.

## Course requirements

The course requirements have been determined in light of the above objectives and in such a way as to offer opportunities to evaluate your progress among the assessment criteria.

1. Review Questions & Case Problems	35%
2. Reading/Viewing – Discussion Forums	20%
3. Final Reflection Project	45%

## Detailed Description of Course Requirements

### REVIEW QUESTIONS & CASE PROBLEMS

The review questions will be assigned from the course text. Specific questions from assigned segments of the course text and the format and guidelines regarding same will be posted on the course's site. For best results, assigned reading and review exercises should be done in conjunction with the course lecture viewing/reading schedule.

### READING/VIEWING – DISCUSSION FORUMS

Each week there will be several reading and viewing assignments. They are designed for you to take in content which will be analyzed in response to specific Discussion Forum prompts.

### FINAL REFLECTION PROJECT

A significant component of the course requirements will center around a project selected by the student to demonstrate an understanding of the concepts covered in the course. This project will be undertaken

following the conclusion of the fourth week of the course. Further details concerning the reflection project will be posted on MyMaranatha.

## Grading criteria:

Final grades will be earned using the guide below:

A = 92-100	B+ = 88-89	C+ = 78-79	D = 60-69
A- = 90-91	B = 82-87	C = 72-77	F = 59 or below
	B- = 80-81	C- = 70-71	

## Other Course Policies

1. Academic Success Center. One source for academic help in any course is the Academic Success Center. If you require specific targeted academic help for any reason contact the Academic Success Center located in the Cedarholm Library.
2. The Americans with Disabilities Act (ADA) is a federal anti-discrimination statute that provides comprehensive civil rights protection for persons with disabilities. Among other things, the law requires that all students with disabilities be given a learning environment that provides for reasonable accommodation of their disabilities. If you believe you have a disability requiring an accommodation, please contact the Academic Success Center director at [academicsuccess@mbu.edu](mailto:academicsuccess@mbu.edu).

# THE PASTOR, CHURCH & LAW

## COURSE SEQUENCE

### Unit 1: Church Law Foundations

1. Constitutional Law & Religious Liberty (Ch. 11 & Ch. 12)
2. Biblical Submission to Government (Handout, esp. pgs. 27 ff.)
3. Corporations & Tax-exempt Status (§6-01, §6-02, §6-03)
4. Ministry Employment (§8-08, §8-10, §8-12, §8-15)

### Unit 2: Legal Status of the Pastor

5. Initiating (§2-01 and §2-02) and Terminating (§2-04) the Relationship
6. Options for Legal Status of the Pastor, §1-03 & §1-04
7. Authority, Rights, and Privileges, §§3-01—3-06, §3-09 & §3-11
8. Vicarious Liability of the Church, §10-02

### Unit 3: Counseling & Confidentiality

9. Negligence & Malpractice, §4-01 & §4-05 and handout
10. Clergy-Penitent Privilege, §3-07 & §3-08 and handout
11. Pastoral Counseling, §4-10 & §10-12 and handout
12. Preventing & Reporting Suspected Child Abuse, §3-08.08 & §4-08 and handout

### Unit 4: Prohibitions & Liability

13. Defamation, §4-02
14. Undue Influence, §4-03 and handout
15. Sexual Misconduct, §4-11 & §10-04
16. Diversion of Funds, §4-09 & §4-06

For all reading outside the *Pastor, Church & Law* textbook, a PDF excerpt of the noted section will be available. All handouts will be available on MyM on the *Course Documents* page.

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## COURSE CHART

All activities are due at 11:55 p.m. on the days indicated below.

Week	STARTS	Wednesday	Friday	Saturday	Monday
<b>== UNIT ONE: LEGAL STATUS &amp; RELATIONSHIP ==</b>					
1	1/19	RWR #1 (Ch. 11 & Ch. 12)	DF/IP	RWR #2 (Handout)	DF/RP, Artifact
2	1/26	RWR #3 (§6-01, 6-02, 6-03)	DF/IP	RWR #4 (§8-08, 8-10, 8-12, 8-15)	DF/RP, Milestone
<b>== UNIT TWO: PASTORAL AUTHORITY &amp; LIABILITY ==</b>					
3	2/2	RWR #5 (§2-01, 2-02, 2-04)	DF/IP	RWR #6 (§1-03 & §1-04)	DF/RP, Artifact
4	2/9	RWR #7 (§§3-01—3-06, §3-09 & §3-11)	DF/IP	RWR #8 (§10-02)	DF/RP, Milestone
<b>== UNIT THREE: CONFIDENTIALITY &amp; PRIVILEGE ==</b>					
5	2/16	RWR #9 (§4-01 & §4-05 and handout)	DF/IP	RWR #10 (§3-07 & §3-08 and handout)	DF/RP, Artifact
6	2/23	RWR #11 (§4-10 & §10-12 and handout)	DF/IP	RWR #12 (§3-08.08 & §4-08 and handout)	DF/RP, Milestone
<b>== UNIT FOUR: RIGHTS &amp; PROHIBITIONS ==</b>					
7	3/2	RWR #13 (§4-02)	DF/IP	RWR #14 (§4-03 and handout)	DF/RP, Artifact
8	3/9	RWR #15 (§4-11 & §10-04)	DF/IP	RWR #16 (§4-09 & §4-06)	DF/RP, Milestone
9-12	3/16			Final Project Due April 12	

## Key

- RWR = Read, Watch, Review (For each numbered assignment (noted “RWR”), students must Read, Watch, and Review by the day indicated.)
  - Reading = read completely the assigned sections from the text and any outside resources indicated on the Course Sequence.
  - Watch = watch the included video completely, taking notes as appropriate.
  - Review = complete the review questions for the assigned section(s) and upload to MyM by the due date.
- DF = discussion forum.
- IP = initial post due date.
- RP = responding post(s) due date.
- Artifact = research and briefly present an artifact as directed on the assignment instructions for that week.
- Milestone = complete a specified milestone related to the final project as directed on the assignment instructions for that week.