

## **Bucket 1: Employee Created Work, Assigned to Church**

*Intellectual Property created and initiated by employee, but transferred ownership to BBC in pre-determined agreement due to substantive usage of BBC resources. This is work not in, or implied in job description. BBC may decide to assign limited rights in the copyright, to the employee for creation.*

Example 1: A minister desires to publish a book. He/she plans to write about the kind of work they do at the church. In order to accomplish the writing, the employee intends to use some church time and resources (e.g. materials or manpower, such as *think-tanks* with other staff members, or editing advice). The minister believes the book will be valuable to furthering their own self-development, their ministry at the church, and any future opportunities to consult and teach on that ministry. Before engaging in this process, the employee would request from their supervisor, the opportunity for project, knowing they would use church resources to accomplish it. The book would be the property of BBC. Generation of commissions and royalties allows the employee to become eligible for compensation and designation of funds following the stated process found below in “*Compensation*”.

Example 2: You’ve decided to blog, with the intention of participating in BBC’s Digital Presence strategy. You utilize the Communications Team to help set-up and host a blog site. While the blog content originates from your mind, you use the church’s resources to help create and maintain it (e.g. Word Press installation, website creation, consulting from Communications Team, etc.). In your blog, you may write about and even post some of the church’s IP, as a way to attract people to BBC and its resourcing ability. The primary content focus of the blog would be work/ministry related, with limited personal content. (For example, posting multiple blogs recording the happenings of your family vacation would not be in alignment with the purpose of a church-owned blog, but an occasional post about a hobby, your family, or personal best practice habit would be in alignment.) This blog would be BBC’s property. However, as with some IP in Bucket 1, the church could assign limited or full rights in the copyright to the employee, particularly if employee left BBC. In that case, the employee would take on the hosting responsibilities, cost and renewals for such things as domain names. Domain names may be transferred to the employee, as a part of reassigning the copyright – but only if the domain name itself is unrelated to BBC’s Digital Presence Strategy (i.e. the domain LincTaylor.com may be transferred, the domain [JourneyOn@Home.com](http://JourneyOn@Home.com) may not be transferred).

Example 3: A minister is approached by a publisher, who wants them to author some literature. The church may negotiate with the publisher to allow the church usage of the produced literature, at no cost in the future. Before engaging in this process, the employee realizes that in order to write this, he/she will need to use various church resources (e.g. time, material, and manpower). His/her supervisors are agreeable to allocating time to the writing project, because it may ultimately be used by the church. Generation of commissions and royalties, if any, will be directed to BBC, but allows the employee to become eligible for compensation and designation of funds following the stated process found below in “*Compensation*”.

Example 4: The Stewardship Minister desires customized stewardship literature for BBC. He approaches an employee who has known writing skills, as well as a personal knowledge and heart for biblical

stewardship. The employee is asked to write the literature. Working with the employee's direct supervisor, time and resource allocation will be created within their current work requirements, in order to accomplish the writing project. The employee would not be compensated for the work, because the work hours fall within normal expectation of work hours. The church would own the copyright, but may choose to assign limited rights in the copyright to employee so they could market, publish, and sell to others.

Example 5: The Music and Worship Minister desires a customized orchestration for the Sundays of Advent. Each week, he would like a new piece of music to be used by choir and orchestra. The Music and Worship Minister asks an associate minister to write and orchestrate the music. The employee does not have writing and orchestrating music in their normal responsibilities, as described in job description, but it is a skill-set they have. They would write music within their normal work hours, and BBC would own the copyright to the music. However, BBC may choose to assign limited rights in the copyright to employee so they could market, publish, and sell to others.

### **Bucket 2: Work-For-Hire (WFH), Creation Owned by Church**

*This is the day-to-day work creation that is outlined, implied in job description, or covered by scope of job. At point of creation and into perpetuity, the church owns creation exclusively.*

In simple terms, this is what we pay you to do. What we pay you to create, in order to fulfill your employee duties. Even if the work germinates from your mind, it is Brentwood Baptist Church's (BBC) creation because we have tasked you with that type of work. A job description is a limited document and therefore does not cover all that is expected. Whether the work is clearly defined or otherwise stated in job description, may be interpreted first by employee, and ultimately determined by supervisors and the XP.

Example 1: Business Administrator oversees the Human Resources department. In order to better process new employees, she creates an on-boarding document. It originates first in her head. She then uses church resources (physical and human) to flesh out an on-boarding document. That document and process is BBC's intellectual property (IP).

Example 2: A Communications Team graphic designer is asked to create artwork for a sermon series. The request comes with some ideas, but the designer creates most of the ideas and ultimately designs them. That work is BBC's property.

Example 3: An adult discipleship minister is charged with finding or creating resources in order to create a unique discipling resource. He chooses to accomplish this via creating the resource himself. He uses church time and resources to complete work. That work is BBC's property.

### **Bucket 3: Employee Creation, Not Owned by Church**

*Creation by employee outside of their outlined, implied job description, or covered by scope of job. This is the employee's Intellectual Property (IP), and may be used as they desire. Limited church resources may be used in creation of IP, if pre-approved by the Executive Pastors' Office.*

Example 1: You've decided to blog. You are not intending it to specifically fulfill BBC's Digital Presence strategy, which calls multiple ministers to blog their ministry-related content. You've personally paid for and are doing (or facilitating) the set-up and hosting of the blog. You use minimal church time and/or resources to keep the blog updated. In this case, the blogging focus could be more personal, and expounding on ministry-related topics and the type of work/ministry you do would be allowable. This is your IP. However, as with all Social Media, it would need to be fall within the guidelines of Social Media as outlined in the Personnel Policy Manual (section 8.12)

Example 2: A staff musician accepts a commission or at his own initiative writes or arranges music to distribute. It's not music intended to be used at BBC. The majority of the work is done in the employee's time, and they are not using church resources to complete it, such as software the church has purchased for the means, keyboards, etc. (We are not strictly overseeing this, or trying to micro-manage the occasional usage of church resources to facilitate the creation of someone's IP.) The written music would be the employees to distribute as he/she determines. If IP content is desired by the church, it could either be gifted to the church or purchased by the church upon the recommendation of the supervisor and with Executive Pastor approval. There is not an expectation that BBC would be given free or unfettered access to this IP of the employee.

Example 3: A minister is approached by a publisher to author Bible study literature. The minister's job description has Bible Study as a responsibility, but authoring literature has never been a part of the expectation. That employee, on their own time and with their own resources, could write the literature. They would then own it and be able to distribute it.

Example 4: A Media personnel member has a side business, where she outsources media support. She can continue this work as long as she is not using work hours or church resources to accomplish her outsourcing work. A violation of this would be if the employee uses church equipment – e.g. using church cameras to go film a wedding, or using church computers and software to edit content.

Example 5: A minister creates a piece of IP prior to their employment with BBC. The property would be the employees to distribute as he/she determines. If the IP content is desired by the church, it could be gifted to the church or purchased by the church upon the recommendation of the supervisor and with Executive Pastor approval. There is not an expectation that BBC would be given free or unfettered access to the IP of the employee.

Example 6: A minister is writing a dissertation for seminary or graduate work output\*, on the topic of discipleship and spiritual transformation. In the paper, he suggests that the best method for spiritual transformation is pathways to Christ-likeness, through Journeys. He then unpacks our *JourneyOn* model in his dissertation, as the ideal discipleship and spiritual transformation method. The church's IP would be a substantive portion of this minister's output, and would require approval from Executive Pastors' Office.

*\*Seminary and Graduate Work is an Employee Creation, Not Owned by Church. This is true even if the Church provided the resources for the Seminary and Graduate Work (e.g. even if the church paid for the courses out of our Educational Assistance budget, or provided time away to allow participation in*

*education classes). If the work is so closely aligned to BBC's Intellectual Property that the church's IP would substantiate a large portion of the employee's research, philosophy, or output, there must be approval from Executive Pastors' before engaging the educational process.*

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## **How does an employee decide which bucket their IP falls into?**

1. Employee should view buckets, read examples, and see if there is clarity. As needed, they may get borrowed perception from peers.
2. If employee is not sure about which bucket their IP falls into, they would then take the question to their direct supervisor.
3. If supervisor does not have clarity, they would then take the question to the appropriate Executive Pastor.
4. The Executive Pastor will make a decision, or as needed may involve the SRT and/or Trustees in complicated decisions.

### **Process for challenging BBC's decision regarding IP:**

If an employee disagrees with or desires to challenge an IP decision, they would follow the above steps continuing to communicate to all parties throughout the process.

### **If the IP is considered to be in "Bucket 1" the following would apply:**

The staff member responsible for the works that produced the revenue may submit a request to the Finance Ministry Team (FMT) to designate the revenue for a specific ministry of the church. Such designation, however, is at the discretion of the FMT and subject to approval by the Trustees.

### **Compensation**

Staff members who produce works that are subsequently distributed to broader markets may be recognized via bonuses and/or salary increased compensation by the SRT in addition to, and in a manner consistent with, annual compensation reviews conducted by the SRT.

BBC has the right but not the obligation to promote, market, or use materials created by a staff member during the term of or subsequent to their employment. The determination as to whether to use, market, or promote such materials, and the method or manner thereof, is within the sole discretion of the Trustees or their representatives.

Example: An employee writes a book under the agreement that it is a church owned IP. The publisher pays the church a \$10,000 commission upon completion of the manuscript. The employee can recommend how the commission is allocated, such as to fund the promotion of the book, support a specific ministry of the church, or make a contribution to a BBC partner. As a part of the annual performance review process, the SRT may recommend a one-time bonus to the employee in recognition of creating a resource that added value to the church and the Kingdom.

## **For work in “Bucket 1” the following would be an option:**

### **Purchase of Rights by Staff Member**

In the event that a staff member wishes to purchase the rights to a work he or she has produced while a staff member of BBC, the Trustees may agree to sell or transfer rights in any such work to the staff member upon request and, if deemed appropriate, may obtain legal and tax counsel to determine the appropriate value for the rights prior to finalizing terms with the staff member.

Example: A minister or pastor desires to package their sermons into an e-book for sale on their personal web site. The sermons are church-owned IP, as their job description calls for sermon preparation and delivery. The employee may submit a request to the Trustees to purchase or have the church transfer the rights to the specified sermons to the employee.

### **Name, Likeness and Biographical Release**

BBC has the right to use any staff member’s name, any pseudonym which the staff member may use, likeness, portrait, picture, and biographical information in connection with the promotion of BBC and any of its programs, and in connection with the publication, sale, distribution, and/or marketing of works or other products associated with, or created by such staff member for, or at the direction of, BBC. Photographs or images of the staff member may be altered, combined with other photographs or art work, combined with any printed, visual, or audio material, enhanced with computer or other technology, and used in any medium and multi-media formats now known or hereafter invented for the purposes set out in the document. This right will continue in effect for the full life of the copyright, beyond the staff member’s employment with BBC.