



Church Life!

The Magazine of the Episcopal Diocese of Ohio

FALL 2013



What's INSIDE?

- Diocesan Convention Presents...
- Revival! at St. Thomas
- Copyrights (and Wrongs) for Churches
- The Resolution Before Convention

ChurchLife!

The Magazine of the Episcopal Diocese of Ohio

Vol. 117, No. 3, Fall 2013

The Episcopal Church



In the Anglican Communion

A global community of over 80 million members in 44 regional and national member churches.

The Most Rev. Justin Welby,
Archbishop of Canterbury

In the United States

A community of more than 2 million members in 110 dioceses in the Americas and abroad.

Established 1789.

The Most Rev. Katharine Jefferts Schori,
Presiding Bishop

In the Diocese of Ohio

A community of 16,000 baptized members in 86 parishes in the northern 48 counties of the State of Ohio.

Established 1817.

Bishop of Ohio

The Rt. Rev. Mark Hollingsworth, Jr.

ChurchLife!

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Table of Contents

3	From The Bishop
4	Diocesan Convention Presents...
6	Nominations
7	Revival! at St. Thomas
11	The Camp and Retreat Center: The Resolution Before Convention
14	Clergy Changes & Announcements
15	Copyrights (and Wrongs) for Churches: Works Made for Hire: Who Owns the Sermon?
18	Sarah's House: Bringing Hope to Traumatized Women and Families

Front Cover: St. Thomas, Berea, hosted a revival for the entire community. Read about it on page 7.



Gratefully, Mark

I was recently asked by a friend and colleague how I came to use the word “Gratefully” in lieu of “Sincerely” or “Faithfully” when closing correspondence. As we approach the end of harvest time, with farm stands displaying mountains of pumpkins and markets stocking up on turkeys, stuffing, and cranberry sauce, it seems an appropriate time to reflect again on the role of gratitude in our lives.

Being thankful changes me. As with the Samaritan leper, it takes me back to the source of my gratitude and connects me to that person or event, reminding me that I am innately linked to and dependent upon others. Being thankful encourages humility and helps me accept whatever is the reality of a situation and my place in it. It embraces a larger context and opens me up both to those in it and to the greater good we have the potential to realize. And when I take the time to give thanks to God on a disciplined basis, it makes me more and more cognizant of God’s engagement in that good. Giving thanks relieves my yearning for self-confidence and deepens my God-confidence. In the parlance of twelve-step programs, it helps me “let go and let God.”

Giving thanks is disarming. When I respond in thanks, particularly to someone who is critical of or unhappy with me, it can help break down whatever divides us. It reaches out in a way that may lower the tension, sometimes providing the first steps toward reconciliation. This is not to suggest that giving thanks should be employed manipulatively, rather than genuine gratitude, first and foremost, disarms the grateful. It is hard to be thankful with a clenched fist. Giving thanks relaxes my jaw and my heart. It lowers my defenses and leaves me more vulnerable. It puts me in a posture more capable of accepting what is and what might be.

Some twenty-five years ago, a difficult series of events led me to a deeper acceptance of my life and self, and to a more intentional gratitude. I was left wanting to engage life more through the perspective of a grateful heart, through the disarmed connectedness that inclines toward the good, perhaps even the

godly. One symptom of that change of heart was that I found myself signing notes and letters “Gratefully, Mark.” I confess that sometimes it was a stretch, but I soon learned that in those situations in which it was difficult for me to find something for which I was grateful, the obstacle inevitably was in me. I was struggling to let go, to let down my defenses, to disarm.

Recovery programs teach about practicing an “attitude of gratitude.” For me, being thankful indeed takes practice. It is a spiritual discipline, like prayer, service, and giving. As with all spiritual muscles, it needs to be exercised in order for it to make a difference. When I am intentionally grateful to God, it increases my connection to God, my confidence in God, and my vulnerability to all that God dreams for us. So it also is when I am expressive of my thankfulness to others. It changes me.

As I prepare for this tenth Diocesan Convention of my tenure serving with you in the Diocese of Ohio, my prayers are filled with countless recollections of things for which I have been and am thankful to God and to you: for moments of delight, challenge, forgiveness, and common purpose; for companionship in times of great sorrow and great joy; for generous expressions of enthusiasm and caution; for patience and prodding; for encouragement and restraint.

When we gather in Toledo for the 197th Convention of this Diocese, we will have important decisions to make about the future of our church, together exploring and responding to the new thing God is always doing with us and for us. In the spirit of the Great Thanksgiving, that richest expression of our Eucharistic life in Christ Jesus, may our personal and corporate gratitude more deeply connect us to God and one another, and open us more fully to all that God imagines we might be and do.

Gratefully,

A handwritten signature in black ink that reads "Mark". The signature is written in a cursive, flowing style.

The Rt. Rev. Mark Hollingsworth, Jr.
Bishop of Ohio

Diocesan Convention Presents...

by Karyn Calaway

See I am
doing a
new thing.

—Isaiah 43:19

Convention-goers this year will focus on new things as they discuss the business of the Diocese of Ohio November 8 and 9 in Toledo. Topics of discussion include how God may be calling parishes to new things and how the camp and retreat ministry might enable God to do a new thing in the life of our parishes.

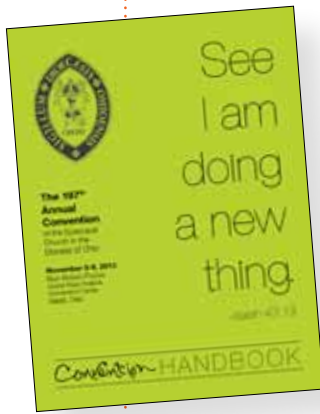
We are honored to welcome the Bishop of Belize, the Rt. Rev. Philip S. Wright, who will tell us what has been happening in his diocese and give his perspective of our mutual companionship. We will continue with updates on our Belize and Tanga relationships, St. John's, Cleveland, the Episcopal Youth Event, the Community Youth Group at Harcourt Parish, and the topic of adult formation. Representatives from St. Alban's and St. Paul's,

Cleveland Heights, will share how their neighboring parishes are collaborating on a community outreach project. Bishop Hollingsworth will give his annual Episcopal Address, and there is time set aside for a presentation on the proposed new camp and retreat center and an informative session on how capital campaigns can have a positive impact on a congregation's vitality and spiritual growth. Delegates and attendees will again participate in table discussions, which allow for more specific prayer and dialogue about a topic, as people are seated according to their mission area.

Convention will be held at the Best Western Premier Grand Plaza Hotel and Conference Center, located at 444 North Summit Street in Toledo. Delegates to Convention should arrive any



Convention attendees will be seated by mission area



New Things

The Convention Handbook is available for download as an Adobe EPUB eBook for mobile devices and digital readers. Look for the download online: dohio.org

During Convention, the Diocese of Ohio will post results, pictures, and more directly from the floor:

 [Twitter @dohio](https://twitter.com/dohio), [#dohio2013](https://twitter.com/dohio)  [Facebook facebook.com/dohio](https://facebook.com/dohio)

time after 11:00 am on Friday, November 8, to register, as the meeting will begin promptly at 1:00 pm. The Eucharist will be held at Trinity Church, Toledo, which is located directly across the street from the hotel. Afterward, attendees will return to the ballroom for the annual convention banquet and reconvene on Saturday morning and adjourn at approximately 3:00 pm.

Resolutions

As in years past, the annual Resolution on Clergy Compensation will be presented and voted on at Convention. This year, however, the new thing on the ballot proposes to raise funds for a new Camp and Retreat Center. The resolution would direct the diocese to begin a capital campaign to fund a new camp and retreat ministry at the property, currently known as Hostile Valley Park in Wakeman Township, Ohio, and to resolve to purchase the



The Eucharist is at Trinity Church, Toledo

property and build selected facilities once sufficient funds are in hand, which will be based on pledges of cash gifts. While opinions on the details may differ, a new camp and retreat center is widely recognized as being the catalyst to further our commitment to youth, community, and important social and environmental issues we face today and will continue to encounter in the future.

Changes to the Constitutions and Canons

One amendment has been proposed to the Canons of the Episcopal Diocese of Ohio, recommending a revision of the duties of the Mission Area Council. The revision removes from the Canons wording, which states that the council will meet before Convention to discuss nominations, changes, resolutions, and the budget. This change is proposed because meetings have been ineffective and there is confusion about who should attend. Already-existing pre-convention meetings would remain open for all to attend.



Jane Freeman gives a presentation on the new discernment process

Nominations

Elections are a major part of Convention. This year, Convention delegates will elect new members to the following diocesan offices:

Standing Committee

Lay (4-year term, elect 1)

- John H. West - Good Shepherd, Lyndhurst

Clergy (4-year term, elect 1)

- The Rev. Alan M. Gates - St. Paul's, Cleveland Heights

Diocesan Council

Lay (3-year term, elect 2)

- Nancy Rose Foye-Cox - Our Saviour, Akron
- Ruth Ann Reiner - St. Stephen's, East Liverpool

Clergy (3-year term, elect 2; 2-year unexpired term, elect 1)

- The Rev. Aaron Paul Collins - Good Shepherd, Lyndhurst
- The Rev. Peter Faass - Christ Church, Shaker Heights
- The Rev. Rosalind C. Hughes - Epiphany, Euclid

ECS Development Council

Lay (3-year term, elect 3)

- Thomas W. Eastman - Christ Church, Warren
- Jacque Fertick - St. Hubert's, Kirtland Hills
- Mary Shepherd - St. Paul's, Akron
- Margaret G. Turgeon - Harcourt, Gambier

Clergy (3-year term, elect 1)

- The Rev. Joseph L. Ashby - Grace, Mansfield

Diocesan Trustee

Lay or Clergy (5-year term, elect 1)

- James A. Baker - Grace, Mansfield
- The Rev. Dr. C. Eric Funston - St. Paul's, Medina

Diocesan Disciplinary Board

Clergy (3-year term, elect 3)

- The Rev. Sarah J. Shofstall - St. Barnabas, Bay Village
- The Rev. Jan M. Smith Wood - Grace Church, Sandusky
- The Rev. Helen C. Svoboda-Barber - Harcourt, Gambier

General Convention Deputy

Lay (3-year term, elect 4)

- Jane R. Freeman - Trinity Cathedral, Cleveland
- Richard Hood - Harcourt, Gambier
- Bill Joseph - New Life, Uniontown
- Kristen Pungitore - St. Alban's, Cleveland Heights
- James S. Simon, Esq. - Our Saviour, Akron

Clergy (3-year term, elect 4)

- The Rev. Debra Q. Bennett - Our Saviour, Akron
- The Rev. Dr. C. Eric Funston - St. Paul's, Medina
- The Rev. Heather L. Hill - All Saints, Parma
- The Rev. Alan C. James - Diocesan Staff
- The Rev. Gay C. Jennings - St. Timothy's, Macedonia
- The Rev. Canon Will H. Mebane, Jr. - Trinity Cathedral, Cleveland
- The Rev. Dr. Brian K. Wilbert - Christ Church, Oberlin
- The Rev. Jeremiah D. Williamson - St. Andrew's, Toledo

Cathedral Chapter

Lay (2-year term, elect 1)

No nominations were received at the time this document was printed.

Clergy (2-year term, elect 1)

The Rev. Daniel H. Schoonmaker - St. Hubert's, Kirtland Hills

Revival! at St. Thomas

by the Rev. Gayle Catinella, Rector, St. Thomas, Berea



It is hard to believe that it has been almost three years since I received a phone call from the Rev. Tom Brackett, the Episcopal Church Center's Missioner for New Church Starts and Missional Initiatives, inviting our church to be a part of a new project called Missio: Engage. Missio gathered a group of Episcopal Churches from across the country who were interested in studying and reflecting on church growth and using the insights from their work to implement fresh expressions of church in their communities. We were to be part of the pilot group, which would share what we learned about the process and church growth with the broader church.

St. Thomas assembled a team of evangelism veterans, plus a few new faces. We met twice a month with the Missio group via Web conference,

and committed to 5 hours per week of work at St. Thomas to accomplish our goals. The first year was filled with a lot of learning and examining and discussing. How do we welcome people? How is our building welcoming? What do we do in worship that creates a sense of welcome? We looked at everything from signage to bulletin boards to greeter ministry. We read about planning and advertising events, using the calendar effectively and coordinating events with the broader community. Often the ideas were not new, but we had to admit we needed to work better and smarter to use them effectively.

From this exercise came my favorite question: What would your church do if 200 visitors showed up next week? Of course, our response to that was that we didn't have to worry too much about it because that would never happen. But the genius of

Tom Brackett is that he thinks big and he encouraged us to do that as well. We are, in fact, totally unprepared for 200 guests, not just in volume but also because it would change the culture of our church. This truth forced us to confront the resistance we have to significant change, which keeps us stuck in practices that inhibit rather than encourage growth. It changed us as a church and as evangelists.

Belovedness

This group was never just about growing the church. It was always and emphatically about bringing the love of Jesus Christ into our neighborhood. When Tom talked about belovedness, about how much God wants us to know we are loved and how that is the critical message we, as God-followers, must carry into the world, he moved me to the core every time. Although there are a lot of church growth programs out there, there is only one message: God absolutely, completely, without reservation and any logical explanation, loves us. Every plan we made, every initiative we took, carried that message.

As part of the pilot group, the national church paid for a comprehensive analysis of a three zip code area around St. Thomas, and for three sets of direct mailings to new residents in those zip codes. We also received a generous Mission Enhancement Grant from the Diocese of Ohio to plan the events we

wanted these newcomers to attend. We had community kite flying events, free babysitting for holiday shoppers, an anti-bullying fair and a recycling event. Most of those things worked well and some were a

This truth forced us to confront the resistance we have to significant change, which keeps us stuck in practices that inhibit rather than encourage growth.

flop. Each one taught us a new lesson about planning or hospitality or the sheer abundance of God. Each one improved our sense of grace and our sense of humor.

It was as our two year Missio stint was coming to a close that I said to the team, “As our final Missio hurrah, what do you think about having a revival?” There were 5 people around the table and each face had a different expression, ranging from jubilant to terrified. I really had no idea at that point what it all might look like, but I knew I wanted a celebration of the love of Jesus Christ, and I wanted it to be in our neighborhood.

So we started to ponder what an Episcopal Revival might look like. We talked about the baggage the term revival carried and how we might redeem it to its truest message—a revival of the spirit that would, at a time when many people are looking to reconnect with church, give people a chance to try something new in a safe setting. We wanted it to be in the neighborhood: public worship. We suspected that our neighbors wondered what went on inside the church and this would give them a chance to see. Mostly, we wanted everyone to feel welcome.



The Rev. Gayle Catinella and Canon Will Mebane celebrate



Preparing food for the revival

So the planning began. We decided to do a three-day event. We wanted different styles of worship, exciting preaching, and really good music. We hoped that at whatever point people connected with the revival they could get to know us. We thought our first service should be totally off-campus, in the park, in the gazebo or pavilion, a favorite meeting spot and well known to the residents of Berea and the surrounding communities. The other two services might be in the parking lot under a tent. After all, tents and revivals go together.

God Pitches His Tent

God intervened at so many points. Here is one example: When we started pricing tents, we realized they are expensive, we had no connections in the tent rental business, and the cost would limit our ability to spend what we wanted to on the music. The city charged us money for renting the pavilion in the park. What we didn't realize, however, was that churches are entitled to reserve the space at no cost. When the mayor of Berea discovered the error,

he personally called the office to give us the good news that our money would be refunded. And, by the way, he wondered, did we need a tent? Because the city had one we could use for free and they would set it up and tear it down for us. Wow!

*No one could
question who or
Whose we are.*

The Friday night gathering in the park was all about telling the world that church means something to us, that it matters in our lives. We created an Evening Prayer service that included a Christian band with contemporary music, and lots of testimony. The service

was called "Letters to the Church in Berea," which mimics St. Paul's letters to communities. (I had heard of a priest in Massachusetts who used this as the epistle in her service once a month, and I loved the idea.) I asked three of our young people to give testimonies, and they all agreed. I also asked the Rev. Canon Will Mebane from Trinity Cathedral to preach. After the service, we had free food and the band played a concert.

Saturday night was Gospel night under the tent in our church's parking lot, using our typical Saturday night service format. There was a Gospel choir,

Canon Mebane preached once again, and we followed it with a potluck supper. Sunday was a traditional Rite II service with a jazz ensemble and a fancy coffee hour, also under the tent at the church.

There were glitches along the way. We had a hard time nailing down musicians, we weren't sure how the projection screens were going to work at the park or in the parking lot, and we were afraid, for a while, that we couldn't use the parking lot adjacent to the pavilion on Friday night (Lesson: Always ask, "Does a parking lot come with that?"). But the team was relentlessly positive and the parish members were always helpful.

Now for the Complaints

Some people said they didn't understand why the event had to be outside when there was a perfectly good church in which to worship. Others worried about finding a parking space with a tent in the parking lot. People worried that the chairs would

No one sat alone. No one was excluded. The Spirit was tangible, and we were on fire.

be uncomfortable (to which I replied, you mean as opposed to the comfort of the pews???) And some just found the whole idea of a revival distasteful. I accepted that not everyone would be as excited as I was. It comes with any change.

The results, however, were so worth it! Friday night the weather was perfect, the set up went smoothly, the testimonies were inspiring (check them out on our Website: stthomas-berea.org). People who were riding by on their bikes or walking past stopped and listened. The food after the service was perfect and the parish members invited every breathing creature to come, eat, and listen to music. Four members went out into the

surrounding area to invite folks to join us, and the rest stayed at the pavilion to welcome those that came. No one sat alone. No one was excluded. The Spirit was tangible, and we were on fire. There were certainly people who didn't join us, but they had no question about whether they were welcome.

A Bold and Graceful Witness

Saturday night, under the tent in the parking lot with a good crowd in attendance, I was profoundly struck by the fact that we were praying in front of our neighbors. As we said the Lord's Prayer together, I felt the strength of a witness that showed that we were reasonable, passionate, and worth paying attention to, worth joining. No one could question who or Whose we are. We prayed our hearts out, and it was a lovely sight to behold. Sunday morning was the same, a bold and graceful witness of beautiful and meaningful worship for all to see.

Some of our members came up afterward and said, "We weren't sure about this, but it turned out OK." Others were more enthusiastic. Everyone who came felt touched by the Spirit. Some newcomers have come back, and a few are still coming. I am confident we will see the results of this revival for months to come. And the name St. Thomas Episcopal Church will be associated with welcome, hospitality, and being "not your Grandfather's Episcopal Church."



Three revival attendees pray together

The Camp and Retreat Center: The Resolution Before Convention

By Katie Ong-Landini, Consultant for Camp and Retreat Ministry

On November 9th in Toledo, Diocesan Convention will consider a resolution to begin a capital campaign for building a new camp and retreat center in Wakeman Township, Ohio. Delegates to convention should be able to make an informed decision on a revised master plan for the new center. Passing the resolution would put in motion some important next steps for the diocese.

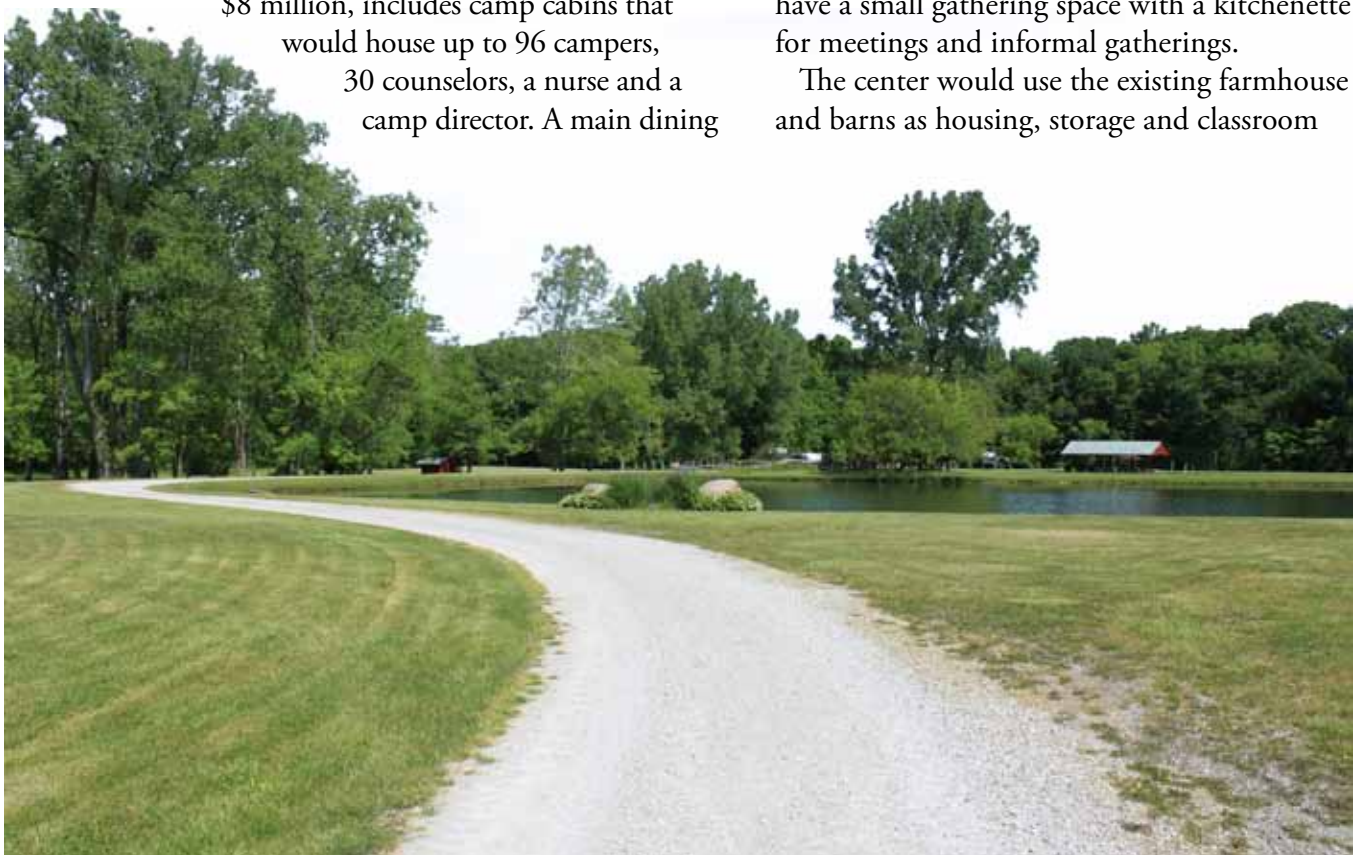
If the capital campaign is successful, Diocesan Council will then determine whether the diocese should purchase the property and when to start construction.

The revised master plan, with a price tag of \$8 million, includes camp cabins that would house up to 96 campers, 30 counselors, a nurse and a camp director. A main dining

and meeting building would sit at the center of the property at the ridge overlooking the Vermillion River Valley. This facility would accommodate up to 150 people for meals and would include a large meeting space, small meeting rooms, and a chapel. The camp would have exclusive use of the building during the camp season, but other groups could use the facilities at other times of the year.

Connected to the north side of that building, 16 sleeping rooms would accommodate guests that need easy access, while an additional 24 rooms would be grouped in “pods” of six on the north side of the ridge overlooking the swimming pond. Each pod would have a small gathering space with a kitchenette for meetings and informal gatherings.

The center would use the existing farmhouse and barns as housing, storage and classroom



The road leading to Hostile Valley Park

space, while an entry pavilion next to a new parking lot would include restrooms and additional storage space. This would be particularly important for school groups and other visitors who are participating in farm activities.

The plan also includes many landscaping features and a number of facilities that members of the diocese could build together: from the changing rooms by the swimming pond, to the wetland that would filter the pond water, to the camp cabins, to the trees that would line the walkways and drives throughout the property.

The recreational area would not need many changes beyond new changing rooms and restrooms with composting toilets. This part of the property sits within the Vermillion River flood plain, and so is not appropriate for building. The camp and retreat center facilities would sit on higher ground above the river valley, and the year-round facilities would be compact enough for easy navigation in the colder weather.

The Business Plan

The camp and retreat ministry project team also developed a proposed business plan with five-year operating budget projections to determine how the diocese can sustain the ministry once it is up and running. In addition, a video and other materials explain the details of the proposal and provide a forum for feedback from members of the diocese. The information includes a possible structure for the capital campaign and how parishes can be involved.

The design team from GO Logic and Ann Kearsley Design spent much of their time carefully analyzing the property, so that the diocese would know exactly how the camp and retreat programs might function on the site. Details address how the diocese can improve the landscape by mitigating erosion issues, making the pond water cleaner, protecting the woodland, and enriching the farmland.

The proposed business plan includes the following elements:



Bishop Hollingsworth addresses Diocesan Council
Photo by Alan James

- **Summer Camp:** The youth camp program would run for four weeks in the first two years and grow to six weeks by the fifth year. The cost of camp would start at an estimated \$450 per week (based on a comparison with other camps in the region), and the center would also offer two family camp sessions each season. The farm and food program for participants would also start that first year.
- **Day retreats and other programs:** The center would offer day and evening events in the main dining/meeting building starting in the second year of operations, and its usage is expected to grow modestly.
- **Overnight retreats:** By the fifth year, the center would include 40 rooms for overnight accommodations that can be single or double occupancy with a private bath. Some rooms would be connected to the main dining/meeting building for easy access. The room rates would start at \$100 per night, including three meals, for single occupancy.
- **Farm Program:** The center would arrange with the farmers that are leasing the farm property to maintain the center grounds and the farm buildings, as well as assist in providing programming. This would include preparing children's and kitchen gardens in the first year, so that the campers can grow food the first season.

The center would operate as a part of the diocese, so that it could share administrative responsibilities, including insurance, payroll and fundraising.

To match the careful growth of the program, staffing would also start relatively small and grow as the program and usage grow. This strategy would allow the center to add hours and additional staff when the usage warrants an increase. The specific staff positions would include:

Center Director: Full-time starting the first year. Responsibilities would include running the camp program, and developing the retreat and other programs as the operation expands.

Chef: Part-time (during camp season) in the first year; hours would grow as the program grows in the next three years, and the position would be full-time by the fifth year when the full retreat program is operational. Responsibilities would include creating menus, preparing meals, and teaching classes.

Facilities Manager: Part-time starting in the fifth year to manage reservations and other events, as well as guest services.

Camp staff (counselors, nurse, night watchman): During youth camp season only.

Kitchen staff: During camp season in the first year and for additional weeks in the following years, depending upon use of the facilities. The center would employ one person in the first two years to assist with the relatively modest camp usage, while it would need two people in

the following years for expected increase in use. The center would use contract workers for other events throughout the year.

Housekeeping/Maintenance Staff: One person, part-time, starting in the second year when the main building opens for day events throughout the year.

Marketing the Center

Although the new center would be an important ministry for members of the diocese, we expect that people outside the diocese will be interested in the programs offered there. To capture that potential interest, the diocese would market the center.

In the first year, efforts would focus on diocesan use of the summer camp, although the center would also advertise to other families by using connections with partner organizations.

Following the model of Sheldon Calvary Camp, the Center Director would train staff extensively to offer participants an experience that would bring them back year after year. Although the novelty of the center might be the initial draw, a great camp experience would ensure good usage rates.

As it develops the program for the second year, the center staff would work with area schools and colleges to offer educational programs, using the center as a field trip destination for learning about sustainability. The camp facilities could then be available during the “shoulder” seasons to schools and colleges that either have or are interested in

developing a residential outdoor education program.

By the second year, the center would offer day retreat programs, classes and workshops for members of the diocese. Working with partner organizations, it would run additional programs and market them to the broader community.

The plan also includes many landscaping features and a number of facilities that members of the diocese could build together.

The full proposed business plan, available online at <http://dohiocampandretreatfarm.com>, provides more details about the business model, the operating costs and revenues, and the information collected to develop the plan.

The Capital Campaign

The capital campaign to raise \$8 million includes purchase of the property, design and construction, furnishings, equipment, farm program start-up, contingency and fundraising management costs. Because development of the center would be phased (from summer camp to the retreat venue), the design and

construction costs and the furnishings and equipment costs would be phased, as well. This would give the diocese more time to develop the programs and work with parishes and other partners to use the center.

About \$6 million of the needed funds are expected to come from individual donors, families and foundations. The remaining monies would come from parishes that are interested in helping with the effort—either through holding partner campaigns or through other parish involvement. CCS, the firm that ran the planning study last winter, estimated that parishes might be able to raise an additional \$4 million to fund their own parish projects and ministries, if they partner with the diocese in the broader campaign. Of course, participation would be voluntary, but the benefits to working with the diocese include having the diocese cover most of the costs and administrative duties of managing a capital campaign. The energy behind the diocesan campaign would also invigorate parish efforts.

The Next Steps

If Convention approves the resolution, the diocese would form a campaign committee that decides the strategy for fundraising. A subcommittee would focus on the major gifts portion of the campaign, while a second group would work with interested parishes in determining how to participate in the campaign.

In addition, the diocese would form a working group that can develop the program ideas in more detail, including talking to potential partner organizations.

Finally, the diocese would continue in earnest its ongoing conversations with the land conservancy and other organizations regarding the future vocation of Cedar Hills before building a new center.

More information about the project may be found on the project website:
<http://dohiocampandretreatfarm.com/>

To All Rectors, Priests, Deacons-in-Charge, and Senior Wardens:

In four years we will celebrate the 200th anniversary of the Diocese of Ohio. In addition to updating the collection of histories of each parish and beginning to develop an electronic database of archival holdings, we are embarking on a new and exciting venture to preserve as many oral histories as we can from the elder saints among us. Alan James, our Canon to the Ordinary, made a visitation to one of our parishes recently and in conversation with a 90 plus-year-old parish member, realized that the man had been a member of the Episcopal Church in Ohio since the time of Bishop William Andrew Leonard, 4th Bishop of Ohio. So, if you have parish members who have been in Ohio since their childhood and are 85 or older I would like to arrange an interview with them over the next year. It would be immensely helpful if you could identify such senior saints in your parishes and bring their names and contact information with you to Diocesan Convention for me to collect! Remember that history matters as we celebrate the past, live in the present and look to the future!

—The Rev. Dr. Brian K. Wilbert
bwilbert@dohio.org

CLERGY CHANGES

The Rev. Vincent E. Black began as Priest-in-Charge at Church of the Ascension, Lakewood, on September 1. He continues as Canon for Christian Formation in the Diocese of Ohio.

The Rev. Jeffrey L. Bunke began as Rector of St. Timothy's, Perrysburg, on September 29.

The Rev. Lisa E. Hackney began as Priest-in-Charge at St. Alban's, Cleveland Heights, on October 1. She continues as Associate Rector at St. Paul's, Cleveland Heights.

The Rev. June Hardy Dorsey began as Rector of St. Andrew's, Elyria, on October 25.

Copyrights (and Wrongs) for Churches: Works Made for Hire: Who Owns the Sermon?

By David Posteraro

In our first article, we explained what copyright is and the laws that govern it. In our second article, we examined the fair use doctrine and the religious services exception. In this, our last article, we examine the all-important “work made for hire” doctrine and address the question: Who owns the sermon?

Work Made for Hire

Under the Copyright Act of 1976, a work is protected by copyright from the time it is created in a “fixed” form. A “work” can be as varied as a written essay, a painting or photograph. It is “fixed” from the moment that the word is written down, the paint applied to the canvas or the photograph taken. At that same moment the copyright immediately becomes the property of the author who created it.

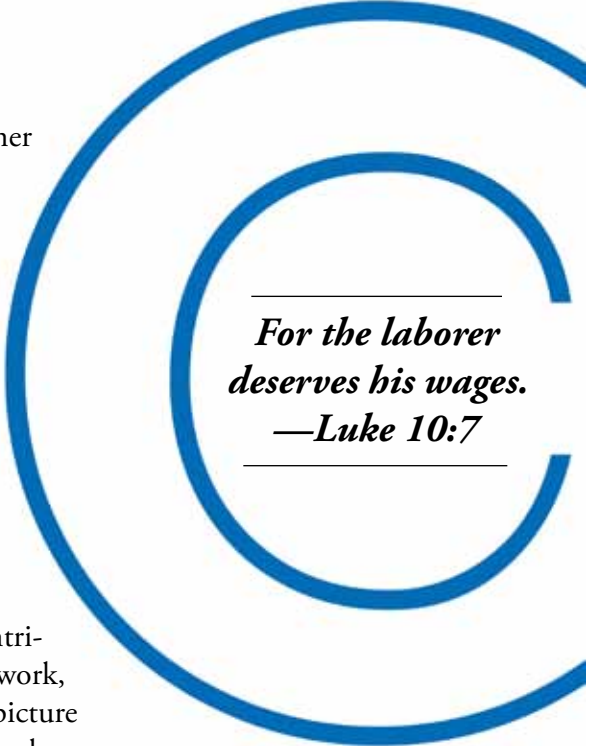
But what about those situations in which the author has been hired by a third party to create the work? Does the author own the copyright or does the third party who has paid for the creation of the work? If a work is “made for hire,” the employer (who may be an individual or an organization) and not the employee, is considered the

author and thus the owner of the copyright.

Section 101 of the Copyright Act defines a “work made for hire” as:

- 1) a work prepared by an employee within the scope of his or her employment; or
- 2) a work specially ordered or commissioned for use as a contribution to a collective work, as a part of a motion picture or other audiovisual work, as a translation, as a supplementary work, as a compilation, as an instructional text, as a test, as answer material for a test, or as an atlas, if the parties expressly agree in a written instrument signed by them that the work shall be considered a work made for hire.

Simply put, the statute states that it is the relationship between the parties that determines if a work is “made for hire”. If the work is prepared by an employee within the sphere of employment, it is a work made for hire. The Copyright Office gives examples of works made for hire in the context of the employment relationship:



*For the laborer
deserves his wages.
—Luke 10:7*

- A software program created within the scope of his or her duties by a staff programmer for Creative Computer Corporation.
 - A newspaper article written by a staff journalist for publication in the newspaper that employs him.
 - A musical arrangement written for XYZ Music Company by a salaried arranger on its staff.
 - A sound recording created by the salaried staff engineers of ABC Record Company.
- If, however, the same staff programmer, journalist, arranger or engineer writes a novel or paints

a painting on his own time and not within the “scope of his or her employment” he, and not his employer, would own the copyright.

These statutory definitions and examples would appear straight forward. But in real life there are many twists and turns. How do we know if someone is an employee and if the work created was within the scope of employment? Is a part time employee still an employee for purposes of copyright? A volunteer would not seem to be an employee but could he be deemed an “employee” for purposes of copyright law? Most importantly, is a clergy person an employee? Is the writing of sermons within the scope of employment and if so, does she, or does her church own the copyright to her sermons?

As the owner of the copyright, the church and not the clergy person has the exclusive right to control the publication or broadcast of the sermon.

The Copyright Act does not expressly define “employee” or “scope of employment,” and following enactment of the Act in 1976, multiple interpretations developed as to how to apply the work made for hire provision. In 1989, the U.S. Supreme Court clarified the provision by recognizing that Congress intended the terms “employee” and “scope of employment” to be understood in light of the common law of agency. *Comty. for Creative Non-Violence v. Reid*, 490 U.S. 730, 740-743 (U.S. 1989).

Factors Considered

To determine whether a hired party is considered an employee under the common law of agency, the Supreme Court looks to the Restatement (Second) of Agency § 220 (1958) and considers “the hiring party’s right to control the manner and means by which the product is accomplished” along with the following factors, no one of which is determinative:

. . . the skill required; the source of the instrumentalities and tools; the location of the work; the

duration of the relationship between the parties; whether the hiring party has the right to assign additional projects to the hired party; the extent of the hired party’s discretion over when and how long to work; the method of payment; the hired party’s role in hiring and paying assistants; whether the work is part of the regular business of the hiring party; whether the hiring party is in business; the provision of employee benefits; and the tax treatment of the hired party..

These factors are not necessarily of equal significance and should be weighed relative to their importance in an individual case. However, certain factors will be relevant in nearly every situation and should be given more weight because they are highly probative of the true nature of the employment relationship. Those factors are: (1) the hiring party’s right to control the manner and means of creation; (2) the skill required; (3) the provision of employee benefits; (4) the tax treatment of the hired party; and (5) whether the hiring party has the right to assign additional projects to the hired party.

Nine years ago, the application of these factors resulted in a determination that dances created after 1978 by Choreographer Martha Graham were prepared by an employee within the scope of employment such that Graham’s employer, and not her estate, owned the copyright. *Martha Graham Sch. and Dance Found., Inc. v. Martha Graham Ctr. of Contemporary Dance*, 224 F. Supp. 2d 567 (S.D.N.Y. 2002), *aff’d* 380 F.3d 624 (2d Cir. 2004). The first factor—the right of control—weighed in favor of the employer because even though the board of directors never exercised its power to control the creation of the dances, it still possessed the right to do so. Graham’s significant artistic talent and skill did not preclude the employee relationship that creates a work for hire; it simply explained why her employer chose not to exercise its right of control over her work. In fact, a work can still be made for hire even if the artist has “complete artistic freedom.” See *Carter v. Helmsley-Spear, Inc.*, 71 F.3d 77 (2d Cir. 1995).

Graham received a regular salary, benefits, reimbursement of expenses, and had taxes withheld from her salary. She created her dances on employer premises with employer resources, and creating dances was a regular activity of the employer. Thus,

the dances were deemed works for hire.

Whether a pastor or priest is an employee acting within the scope of employment in writing and delivering sermons is analogous to the Martha Graham case. Though they may be part of the governing structure of their church, pastors and priests generally must report up within the hierarchical structure of the church be it a vestry, council, session or other canonical structure. Pastors are generally church-employed such that they receive benefits and direct salary with taxes withdrawn. Finally, even if the sermons are written away from church premises, they are delivered at the church, and offering sermons is certainly a part of the regular “business” of the church.

In addition to balancing the factors discussed above, a work made for hire is created within the scope of employment “only if: (a) it is of the kind he is employed to perform; (b) it occurs substantially within the authorized time and space limits; [and] (c) it is actuated, at least in part, by a purpose to serve the [employer].” See *Avtec Sys. v. Peiffer*, 21 F.3d 568, 571-72 (4th Cir. 1994). If the first element is met, courts generally do not grant authorship right to employees based solely on the fact that the employee created the work at home or during off-hours. And, to satisfy the third element, the employee must be “at least ‘appreciably motivated’ by a desire to further the employer’s goals.” *Id.* See

also Restatement (Second) of Agency § 236 (employee work falls beyond scope of employment if “done with no intention” to serve master). In other words, the motivation to further the employer’s goals need not be the sole motivation.

As an example, applying these elements to a copyright dispute between an employer and employee over a computer software program, the employee owned the copyright because computer programming was not the kind of work he was employed to perform and he did not conduct the work on the employer’s time or to further the employer’s goals. *Roeslin v. District of Columbia*, 921 F. Supp. 793 (D.D.C. 1995). Rather, the employee was hired as a labor economist and his supervisor did not know of his programming skills upon hiring, he spent 3,000 hours at home outside of working hours conducting the work on a computer he purchased with personal funds, and even though the work benefited his employer, the employee’s chief motivation was to create new job opportunities for himself.

Applying the elements of the scope of employment test, writing and delivering sermons arguably satisfies all three required elements and falls within a pastor’s scope of employment. First, sermons are the kind of work a pastor is employed to perform during worship services as the leader of the church. Even if the sermon is based on personal spiritual experiences, delivering sermons is a part of a pastor’s

employment relationship with the church. Second, even if much of the pastor’s work in creating the sermon is done off of church premises or without church resources, the sermons are delivered at the church. Furthermore, because the first element is met, courts generally do not vest copyright based solely on the fact that the employee created the work at home. Third, in writing and conducting sermons, a pastor is motivated by a desire to further church goals and that motivation needs only to be partial.

It likely would come as a surprise to most pastors that the copyright in their sermons is owned by their employer/church. As the owner of the copyright, the church and not the clergy person has the exclusive right to control the publication or broadcast of the sermon. This can become a contentious issue if the pastor leaves the church or if the pastor’s heirs believe that they, and not the church, are the owners of their parent’s work. A subsequent agreement between the church and the clergy person to transfer the copyright may violate certain tax rules. A better approach is to address the copyright ownership issue at the time of employment and to develop a copyright policy that covers all employees as part of the employee handbook.

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Sarah's House: Bringing Hope to Traumatized Women and Families

By Lael Carter, Development Officer

Last month I visited Sarah's House, a transitional living program for women and families in the process of leaving behind abusive relationships. The housing program receives support from the Bishop's Annual Appeal; one of its sponsors is Grace Episcopal Church, Defiance.

For many women in Williams County, Sarah's House is family. Long time volunteer Lil Lucas, and her granddaughter Bristol Dominique had just finished their day's work and were saying goodbye to Sheila Beck. Sheila explained she was once a victim receiving service, then gave back as a volunteer before becoming a staff member.

Sarah's House is actually many dwellings throughout Williams County, including an apartment, meeting, and administrative space in Bryan. The primary goal is to help victims of domestic violence and crime heal emotionally, physically and spiritually and gain control of their lives so that they become independent, productive citizens. Sarah's House offers compassionate aid and nonjudgmental support so that no victim is alone. For most clients this begins with finding a safe apartment. Sheila explained that healthy, attractive dwellings help clients build self-esteem.

Sarah's House helps clients find employment and workable cars to reach rural jobs. The agency provides access to food stamps,

grocery and clothing vouchers, clean bedding and blankets. The local Holiday Inn donates used clean sheets and towels, and area churchwomen make fleece blankets for children and moms.

Sheila showed me the emergency commissary where clients can select necessary

*Sarah's House offers
compassionate aid and
nonjudgmental support so
that no victim is alone.*



Blankets and supplies are available at the commissary

supplies. Clients receive “purchasing” points each month; when their purchase points are used up they must wait until the next month. In this way Sarah’s House equitably distributes items such as reconditioned vacuums, fans, even clothes washers and dryers.

Outcome evaluation, life skills counseling, help with budgeting and money management, support groups, confidential conversation, and childcare are among the services Sarah’s House offers or coordinates for its clients.

As I left, Sheila gave me some literature on Sarah’s House and a card listing ways people may recognize themselves in abusive relationships (see sidebar).

The Bishop’s Appeal Supports Sarah’s House

Sarah’s House, and 39 other community and parish-based programs, receive financial support from the Bishop’s Annual Appeal through Episcopal Community Services (ECS). And they receive much more! Physical space, expertise, planning guidance, access to other agencies and contacts are among the benefits community programs realize in partnership with Episcopal churches in the diocese.

Your gifts to the Annual Appeal also support leadership development and vocational discernment for young Episcopalians, for seminarians, and curatorial assignments for newly ordained clergy. Alex Barton, featured on the reply envelope and a member of the Episcopal Service Corps, receives your support through the Bishop’s Annual Appeal.

From the western most parish, Grace Church in Defiance, to parishes 250 miles east in Youngstown and East Liverpool, you and I can make the difference. We hope you will use the enclosed envelope to complete your gift to the 2013 Bishop’s Annual Appeal.

YOU HAVE OPTIONS

Sarah’s House offers compassionate aid and non-judgmental support so that no victim is alone. Our goal is to empower victims of domestic violence and crime to heal emotionally, physically and spiritually.

Does your partner:

- Embarrass you with put-downs?
- Look at you or act in ways that scare you?
- Control what you do, whom you see or talk to or where you go?
- Separate you from friends or family members?
- Make you financially dependent?
- Make all of your decisions?
- Tell you that you are a bad parent or threaten to take away or hurt your children?
- Prevent you from working or attending school?
- Act like the abuse is no big deal, it’s your fault or even deny doing it?
- Destroy your property or threaten to kill your pets?
- Intimidate you with knives, guns or other weapons?
- Shove, slap, choke or hit you?
- Threaten to commit suicide?
- Threaten to kill you?

If you answered ‘yes’ to even one of these questions, you may be in an abusive relationship.

Source: Sarah’s House handout on abusive relationships.

ChurchLife!

Trinity Commons
2230 Euclid Avenue
Cleveland, Ohio 44115-2499

calendar HIGHLIGHTS

November 8-9

Annual Diocesan Convention

Best Western Premier Grand Plaza
Hotel, Toledo

November 14-15

BACAM

Cedar Hills Conference Center,
Painesville

November 26

Interfaith Thanksgiving Service

Trinity Cathedral, Cleveland

December 3

Clergy Advent Retreat

Location to be determined

December 6-7

Diocesan Council Organizing Meeting

Trinity Cathedral, Cleveland

December 24-January 1

Diocesan offices closed for the holidays

January 24-26

Happening Staff Retreat

Christ Church, Hudson

January 27

Ohio Ministries Convocation

Columbus

January 31-February 1

Winter Convocation

Kalahari Resort, Sandusky

Bishops' Visitations

November

**3 Christ Church, Hudson
(Hollingsworth)**

**3 Christ Church, Warren
(Bowman)**

**10 St. Paul's, Oregon
(Williams)**

**17 Christ Church, Kent
(Williams)**

**17 Old Trinity, Tiffin
(Bowman)**

**17 St. Matthew's, Toledo
(Hollingsworth)**

**24 St. Andrew's, Cleveland
(Williams)**

**24 St. Paul's, Cleveland Heights
(Hollingsworth)**

**24 Grace, Defiance
(Persell)**

December

**8 St. Paul's, Mount Vernon
(Hollingsworth)**

For the complete
calendar of events visit
www.dohio.org

**8 Grace, Sandusky
(Williams)**

**15 St. Matthew's, Ashland
(Hollingsworth)**

**15 St. Martin's, Chagrin Falls
(Williams)**

January

**12 St. James, Painesville
(Hollingsworth)**

**19 St. Thomas, Berea
(Hollingsworth)**

February

**2 New Life, Uniontown
(Hollingsworth)**

**16 Trinity, New Philadelphia
(Hollingsworth)**

**16 Our Saviour, Akron
(Williams)**

**23 St. Alban's, Cleveland Heights
(Hollingsworth)**