



Society for Creative Anachronism, Inc.  
Society Chronicler's Policies  
October 2009

Society Chronicler's Policies September 2009 Revision

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## Acknowledgements

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In Service to the Dream,

Herr Otto von Schwyz  
Society Chronicler

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## **I. Introduction**

These policies cover all publications produced by and for members of the Society for Creative Anachronism, Inc., (hereinafter referred to as "the Society" or "SCA, Inc."), and its subsidiary branches.

## **II. Policies for Kingdom Publications**

### **1. Requirement for a Newsletter and a Chronicler**

Every Kingdom must publish a monthly newsletter and have a fully-warranted Chronicler in accordance with Corpora. Each Kingdom's newsletter should be a showpiece of that Kingdom, showing it in the finest possible light. Newsletters will uphold high standards of excellence in order to show the pride that each Kingdom has in it, and provide the best possible reflection of the Society.

### **2. Requirements for Chroniclers**

#### **a) Qualifications**

The ideal Kingdom Chronicler has publishing experience, bookkeeping experience, a complete graphics lab in the home, a friendly local printer, and a score or more friends willing to do the collating/ mailing parties monthly. None of us is perfect, but there are some minimum requirements:

- Experience with writing or editing
- Printing or publishing experience, which may be in SCA publications (or a deputy with those skills to serve as newsletter editor)
- Good bookkeeping skills, or a deputy with those skills
- Balance and judgment in matters political
- A working telephone
- Access to a reasonable support base, such as a household or local group
- Regular contact with Kingdom activities
- Reliable email/internet access
- Ability to meet the ongoing requirements of the Kingdom Chronicler position, primarily, but not limited to:
  1. Monthly publication or supervision of the monthly publication of the Kingdom newsletter
  2. Timely responses to inquiries and communications from Corporate Officers and members of the Board of Directors
  3. Quarterly financial reporting to the Society Exchequer or his/her appointed deputy
  4. Annual submissions to the Society Chronicler for the Master William Blackfox Awards.
  5. Monitoring of newsletters within the Kingdom for policy compliance
  6. Other duties and special projects that may be assigned by the Society Chronicler

#### **b) Membership**

Kingdom Chroniclers must meet the membership requirements of the office as outlined in Corpora. If a Chronicler's membership lapses during the term of

office and is not renewed within 30 days, the Society Chronicler may ask the Crown to appoint a new Chronicler.

**c) Warrants**

A Kingdom Chronicler must be warranted according to the procedure outlined in Corpora. A warrant signed by the Crown of the Kingdom, using modern legal names, should be submitted to the Society Chronicler for ratification within 30 days of the Kingdom Chronicler's assumption of office. Either the Crown or the Chronicler may submit this warrant. Failure to submit a warrant for ratification may result in the withholding of the Kingdom newsletter stipend, as the warrant represents legal authorization for the Kingdom Chronicler to expend these funds.

**d) Elevation to Kingdom Status**

A Principality that is applying to the Board of Directors for elevation to Kingdom status must include a letter from the Society Chronicler certifying that the Principality Newsletter is suitable to become a Corporate publication, and that the Principality Chronicler is acceptable to the Society Chronicler as a Kingdom Officer. The Society Chronicler should take into account the opinion of the Kingdom Chronicler of the parent kingdom as to these qualifications.

The Principality Chronicler of any Principality whose bid for Kingdom status has been approved by the Board of Directors should contact both the Society Chronicler and the Corporate Office as soon as possible to begin making arrangements for mailing permits and the quarterly stipend. Note that there is often a lag between the official creation of the kingdom and the distribution of the first stipend. This should be taken into account when budgeting for the transition.

**3. Required Inclusions**

The Kingdom newsletter must carry the following items on a regular basis as indicated below:

**a) Statement of Ownership**

The ownership statement of an official Kingdom newsletter must appear in each issue and must include the following:

- The month and Common Era year of publication.
- The Kingdom of publication.
- The name of the newsletter.
- The fact that "X" Kingdom is a branch of the Society for Creative Anachronism, Inc.
- The cost of subscriptions.
- The address of the Corporate Office and those changes of address and other administrative details must be sent there.
- Advertising rates.
- Copyright statement.

This is a sample minimal acceptable statement:

"This is the January, 2009, issue of the Morgenstern, the official newsletter of the Kingdom of Provincia. Provincia is a branch of the Society for Creative Anachronism, Inc., and the Morgenstern is published as a service to the SCA's membership. Subscriptions (available only to members) are \$35 per year. Memberships are available from the Member Services Office, SCA, Inc., P.O. Box 360789, Milpitas, CA 95036-0789. All changes of address or questions about subscriptions should be sent to the Corporate Office. Membership information and a subscription form are included elsewhere in this issue on a bi-monthly basis.

"Advertising rates are \$x per full page, \$x per half page, and \$x per quarter page. All advertising is on a space available, pre-paid basis. Checks should be made payable to "SCA, Inc.-The Morgenstern".

"Copyright © 2009 Society for Creative Anachronism, Inc. For information on reprinting photographs, articles, or artwork from this publication, please contact the Kingdom Chronicler, who will assist you in contacting the original creator of the piece. Please respect the legal rights of our contributors."

This statement must appear within the first five pages of the newsletter, as required by United States Postal regulations for bulk mailings. International groups will also include this statement in the first five pages of their publications unless their postal regulations require a different placement. If so, they will notify the Society Chronicler accordingly.

**b) Monthly Inclusions**

- The names and addresses of the Royalty and Great Officers
- A calendar of events for the month
- Announcements for events taking place that month
- The name and address of the Society Seneschal, the Corporate Secretary/Registrar, and the Ombudsman for the Kingdom
- The names and addresses of the local seneschals
- On the outside front cover, the name of the newsletter, the Kingdom, and the month and common era year of publication

**c) Bi-Monthly Inclusions**

- The list of Corporate Staff which includes the following:
  1. Complete listing of the members of the Board of Directors including their Ombudsman assignments.
  2. President of the Society
  3. Seneschal/Vice President for Operations
  4. Society Treasurer
  5. Society Chancellor of the Exchequer
  6. Executive Vice President for Legal Affairs
  7. Corporate Secretary
  8. Laurel King/Queen at Arms

- 9. Society Marshal
- 10. Society Minister of Arts and Sciences
- 11. Society Chronicler
- 12. Librarian/Archivist
- 13. Chirurgion General
- 14. Editor, Tournaments Illuminated
- 15. Editor, Complete Anachronist
- 16. SCA Board Nominees
- Membership form

#### **4. Event Announcements**

Not every event needs to be published in the Kingdom newsletter. Event notices must be published for those events at which any one of the following will take place:

- Crown and Coronet Tournaments
- Coronations and Investitures
- Appointment of Kingdom or Principality Officers
- Presentation of awards and titles
- Proclamation of law
- Establishment or advancement of branches

These activities cannot take place if a complete event notice does not appear in the Kingdom newsletter at least once before the date of the event. The publication requirement may only be waived in extraordinary circumstances such as natural disaster. The Society Seneschal can authorize an event to include long-term business despite a deficiency in the published notice, subject to review by the Board. The channel for determining if a waiver is possible runs from the autocrat through the branch and Kingdom Seneschals to the Society Seneschal. It is the responsibility of the Chronicler and the Seneschal of the Kingdom to make certain autocrats and Royalty alike are aware of these conditions. The Kingdom Chronicler is responsible for keeping the Society Chronicler informed of situations for which a waiver has been, or will be, requested.

A complete event announcement must appear in the newsletter at least the month of the event (i.e. in the June issue for a June event). If the event takes place in the first 10 days of the month, the announcement may appear in the preceding issue of the Kingdom newsletter to meet this requirement.

To be considered complete, an announcement must contain:

- Date of the event (day and month) If the event will not be held during the Common Era year noted on the front cover of the newsletter, the announcement must also include the Common Era year
- The time of the event: when the site opens and closes
- The name of the sponsoring group
- The location (name, street address, and town) of the site. The postal code should also be included if available.
- The name (both Society and modern) and address of the autocrat

- If there is a fee being charged for the event, the statement "Make checks payable to <SCA, Inc. - Group Name>" (or for international groups: "Make checks payable to <Group Name>") must also be included. The Non-member surcharge must also be specified in the fee schedule.

Each Kingdom on an individual basis may require other information. The Chronicler should assist submitters of incomplete announcements in completing their announcement.

## **5. Distribution Requirements**

### **a) Newsletter Cover Color**

Kingdom newsletters must use either white or pastel paper colors for their covers unless the newsletter is sent in an envelope or the addresses are printed on a white label. The reason is that the United States Post Office uses an optical scanner when sorting the mailings, and if the cover color and the ink do not have enough contrast the newsletter will be rejected and sent to the Corporate Office instead of the member.

### **b) Non-Profit Standard Mail Permit**

Every Kingdom Chronicler whose newsletter is produced and mailed in the United States must obtain and keep current a Non-Profit Standard Mail regional deposit permit, and must sort and deposit the Standard Mail class newsletters according to the current regulations of the U.S. Postal Service. Note that the services of a printing house may be used, and should more than one Kingdom acquire the services of the same printing house, a single permit may be shared amongst Kingdoms. The conditions and regulations pertaining to the Society's Non-Profit Standard Mail eligibility and deposit regulations are subject to change. Please consult the Society Chronicler or the Registry for current information. International groups should consult with their postal authorities to determine the most economical method of mailing their kingdom newsletter. Their findings will then be reported to the Registry, Kingdom Ombudsman and Society Chronicler, and will be verified for accuracy by the Society Chronicler.

In the unlikely event that a Kingdom has so many first-class subscriptions that the number of bulk-rate subscriptions falls below the minimum number needed to make a bulk mailing, the Chronicler should consult the Society Chronicler about what steps to take.

### **c) First Class, Air Mail, and Overseas Mailings**

Kingdom Chroniclers residing in the US that routinely mail over 500 pieces of first class mail may want to consider applying for a first class bulk mail permit. While the mail still needs to be sorted, this permit offers a small savings over straight first class rates. For more information on a bulk first class permit, contact the Society Chronicler or the Post Office.

Kingdom Chroniclers must stay abreast of current mailing requirements for airmail and overseas mailings.

**d) Mailing Deadlines**

Kingdom newsletters must be mailed no later than the 20th of the month preceding the cover date. If the Post Office is closed on the 20th, every effort should be made to mail the newsletters on the previous business day, but the mailing must be made no later than the first business day following the 20th.

The Corporate Office mails out the labels by the 12th of the month. If circumstances have delayed the label mailing, express mail may be used at the discretion of the Corporate Office. Labels are also available as an Excel file from the Corporate Office. A chronicler who has not received labels on time, or who regularly does not receive the labels soon enough for the newsletter's production and mailing schedule should contact the Corporate Office and Society Chronicler for ways to solve the problem.

**e) Notification of Irregular Mailings**

If there is a problem in getting the Kingdom newsletter in the mail on time, the Kingdom Chronicler is responsible for contacting the Society Chronicler concerning the reason. The Society Chronicler will notify the Member Services Office.

If the Kingdom Newsletter is to be mailed early, the Kingdom Chronicler is responsible for notifying the Member Services Office. Please note that labels cannot be printed before the first of the month.

**f) Return Address**

Every Kingdom newsletter must use the address of the Corporate Office as the return address for the newsletter. Should the local postmaster require it, the actual newsletter address can be used as the "Permit Holder," but the Corporate Office address must be listed. For those Kingdom Chroniclers residing outside the US, the Chronicler must use an address that will result in the returned newsletters being posted back to them. The Chronicler then has the responsibility of mailing any returned issues to the Corporate Office.

Current Postal publications recommend leaving phrases such as "Time Dated Material" and label placement boxes or other graphical elements off of the addressed portion of a newsletter. Such items can delay mailing by making it more difficult to process with postal equipment. Please contact the Society Chronicler for more information regarding the layout of the back cover of the newsletter.

**g) Electronic Distribution**

The Kingdom Newsletters may not be distributed electronically and are only made available in printed form.

**h) Problems**

Chroniclers are responsible for knowing these rules and obligations, and if there are difficulties in complying with them, for contacting the Society Chronicler and Corporate Office in order to resolve those difficulties. Any fines, fees, extra costs, or penalties incurred as a result of improper mailings must be borne by the Kingdom if there are insufficient funds in the Chronicler's funds to cover them.

The Corporate Office is often the first office to notice problems with the mailings, as undeliverable pieces (except for Standard Mail) will be returned to the Corporate Office. The Corporate Office may contact the Kingdom Chronicler directly in order to resolve these problems and provide the necessary information.

## **6. Financial Matters**

### **a) Chronicler's Stipend**

Each kingdom is given a stipend to cover the publishing costs and postage for the Kingdom newsletter. If a kingdom has sponsored newsletters; such as a Kingdom A&S or the printing of Kingdom Law; the costs associated with this type of publication is too paid for by the Kingdom.

### **b) Reporting**

Each Kingdom must report quarterly to the Society Exchequer, the Society Chronicler, and to their Kingdom Exchequers regarding newsletter finances. The Society Exchequer distributes the forms for these reports each quarter. The most recent guidelines are always available from the Society Exchequer.

If the Kingdom Chronicler takes on the responsibilities for financial reporting, he or she must be warranted as an Exchequer by the Kingdom Exchequer and be familiar with and follow the policies in the Society Exchequer's handbook. Kingdom Chroniclers are highly encouraged, along with the Kingdom Exchequer, to appoint a deputy to handle the financial reporting. This deputy must be acceptable to both the Kingdom Chronicler and the Kingdom Exchequer and will report jointly to both.

Responsibility to the Corporation for the timeliness and accuracy of reports for each Kingdom Chronicler's office will rest with whoever is warranted to handle the finances for the office.

### **c) Failure to Report**

Since the Kingdom Newsletters represent one of the SCA's biggest expenditures as well as one of its primary obligations to its members, the Society Exchequer must confirm that money allocated to the newsletters is being spent properly. Additionally, these reports are needed in order to complete the Society Exchequer's report and to make required tax statements to the IRS.

The Kingdom Chroniclers or their financial reporting deputies must account for each quarterly stipend. The reporting schedule is as follows:

Report Due Period Covered

May 1 – First Quarter

August 1 – Second Quarter

November 1 – Third Quarter

February 1 – Domesday and Fourth Quarter

The report is due to the Kingdom Exchequer or the appropriate deputy one month before the next stipend is to be sent out.

If the report is not received by the deadline, the Kingdom Exchequer will notify the Society Exchequer who will then contact the Corporate Office who will hold the stipend until the report is received.

If the report is not received within ten days past the deadline, the Kingdom Exchequer will notify the Kingdom Seneschal and the Crown, and the person warranted as the financial representative for the office (either Kingdom Chronicler or deputy) will receive a warning that the report must be submitted within ten days. If the warranted financial representative is a deputy, the Kingdom Chronicler will also be notified.

If the report is not submitted within those ten days, the Corporate Office will be directed to withhold the labels for the Kingdom newsletter until the report is received. A second warning will be sent to the responsible financial representative (Kingdom Chronicler or deputy), with copies to the Kingdom Seneschal, Crown and Exchequer (and Kingdom Chronicler) if the financial representative is a deputy.

If the report is not received within ten days following this final warning, the responsible financial representative (Kingdom Chronicler or deputy) will be removed from office, and labels withheld until a suitable replacement is found.

**d) Bank accounts**

Each Kingdom must maintain a checking account for its newsletter in accordance with the Chancellor of the Exchequer Officer's Handbook. Bank accounts established in the US must use the Society's Federal Taxpayer ID, 94-169-8556. If the newsletter has other accounts, such as a savings account, a separate account for other publications under the direction of the Kingdom Chronicler, or certificates of deposit, these accounts must also have the Society's Federal Taxpayer ID.

All financial transactions for this office will be made by a check to the creditor. It is possible to make petty cash purchases (such as paper clips and binding materials for mailing), but a receipt must be presented for the purchase in order to be reimbursed.

## **7. Fiscal Responsibility**

### **a) Record-keeping**

All Kingdom Chroniclers or their appointed deputies must keep a set of ledgers and records for their transactions. The Exchequer's Handbook should be followed for all financial matters.

### **b) Financial Review**

At least once per year, and upon transfer of the office, all Kingdom Chroniclers will submit their records for review by the Kingdom Exchequer or an appointed deputy. It is suggested that the Crown, Exchequer, and Chronicler set a mutually agreeable schedule for these audits.

### **c) Responsibility for Funds**

The stipend paid to a Kingdom Chronicler is intended primarily to pay for the publication and mailing of that Kingdom's official newsletter. If there is money in the stipend after these expenses are met, other documents and special issues can be paid for. Routine administrative expenses should be provided according to Kingdom custom. It is the responsibility of each Chronicler to see that his or her spending habits do not deplete his or her funds. If a Kingdom Chronicler does not have sufficient funds to cover the expenses of the newsletter, the Kingdom must make up the shortfall in whatever way seems appropriate.

### **d) Responsibility for Property**

Acquisition or disposal of property with a value of more than \$500 requires the approval of both Crown and Chronicler, and consultation with the Kingdom Seneschal and Exchequer. Also, all property is owned by the Kingdom.

## **8. Reporting to the Corporate Office**

### **a) Newsletter**

The regularly published Kingdom newsletter constitutes the major report for a Kingdom Chronicler to the Society Chronicler. A label for the Society Chronicler is included in the regular label run.

### **b) Quarterly Reports**

Each Chronicler will send a copy of the reports required by the Society Exchequer to the Society Chronicler in accordance with the schedule listed earlier in these policies.

### **c) Communication with the Society Chronicler**

Communication is the heart of the office of the Chronicler. The Society Chronicler is always available to assist in problem solving. Questions regarding policy issues, Kingdom problems, copyright problems, or other larger issues should be brought to the attention of the Society Chronicler who will keep the Kingdom Seneschal, Kingdom Ombudsman, and the Chronicler's Ombudsman informed as necessary.

#### **d) Transfer of Office**

Generally speaking, the Society Chronicler will warrant the successor chosen by the current Kingdom Chronicler and Crown. It is possible that a warrant may not be issued if the nominee does not meet the requirements in B.2.

Additionally, the current Kingdom Chronicler should be sure the proposed successor reads these policies before accepting a nomination.

##### **1. Notification**

It is the responsibility of the outgoing officer to send a letter to the Society Chronicler notifying that office that a new Kingdom Chronicler has been nominated. The letter must include:

- The proposed new Chronicler's name, address, phone number, and email address
- A review of the proposed Chronicler's qualifications
- The planned date the office will change hands
- Where and when the financial records are to be transferred
- The warrant for the new Chronicler

Copies of this letter must be sent to the proposed new Chronicler, the Crown, and the Kingdom Seneschal. The new Chronicler should follow this letter with an introductory letter. Should the warrant be approved, the Society Chronicler will notify the Society Exchequer, the Corporate Office, the Kingdom Ombudsman, and the Chronicler's Ombudsman.

##### **2. Transferal of records**

All records, equipment, funds, and other materials belonging to the Chronicler's office will be transferred within 60 days of the change of office.

##### **3. Mailing Permit**

Ample time should be allowed for the incoming Chronicler to obtain the required Non-Profit Standard Mail permit, unless this permit has been obtained through a printing house that the new Chronicler will also use. For information on how to obtain this permit, contact the Society Chronicler or the Corporate Office.

#### **9. Oversight of Local Newsletters**

The supervision of local chroniclers within the Society falls to the office of the Kingdom Chronicler in each Kingdom. It is important that these newsletters they produce present the SCA as a positive experience, both to the members of the local groups they represent and to any new or prospective members who read them.

Each Kingdom must have a method of warranting and supervising its local chroniclers. The Kingdom Chronicler is responsible for ensuring that all local chroniclers are aware of and abide by the copyright laws of the country or countries in which the Kingdom is located, by the Laws and customs of their Kingdom, and by these policies.

## **10. Copyright Policies**

The Society operates under the ideals of chivalry. Respect for others' property, including intellectual property, is part of those ideals. The Kingdom Chronicler must ensure that copyrighted material is not used in the Kingdom newsletter except in conformity with applicable copyright laws. Authorization must be received in writing from the copyright holder prior to publication, and the notice "Copyright © [date and holder]. Used with permission." must accompany the copyrighted material. This policy also explicitly applies to any article or message originally published or posted to any website or electronic forum. In order to republish the message or article in any other form, including a printed newsletter, permission in the form of a signed release must be obtained from the author. Electronic republication of material originally in printed form is subject to the Electronic Publication Policies.

Kingdom Chroniclers are required to maintain a file of all copyrighted material used in the Kingdom Newsletter and any special editions. This file shall include a copy of the material used, the permission letter, and a note annotating which issue the material was published in.

Kingdom Chroniclers are also responsible for ensuring that branch chroniclers within their kingdom are familiar with these standards and adhere to them. If there is a possible copyright problem, Kingdom Chroniclers are advised to speak with their local officers about the item in question, and to follow up such conversations, if necessary, with a letter pointing out the violation and suggesting a remedy.

Chroniclers who persist in reproducing copyrighted material without permission will be removed from office.

## **11. Proper use of mailing labels**

The newsletter mailing labels/spreadsheets produced by the Corporate Office are to be used only for Kingdom newsletters and other mailings that are authorized by the Kingdom. Authorized mailings are defined as any mass mailing to the members in the Kingdom which is authorized by the Crown and Society Seneschal, and which does not violate any law concerning the Society's non-profit status or the copyright statutes under which the newsletter operates. Should the labels be incorrect, out-of-date, or otherwise will not be used, these labels must be destroyed or returned to the Corporate Office. No other use of these labels is permitted. Do not use labels after the 10th of the month indicated on the cover of the issue. After the tenth, the labels are out of date and contain many invalid addresses. The Corporate Office can provide an updated set of labels on request.

## **12. Special issues of the Kingdom Newsletter**

Kingdoms may finance and produce special issues of their newsletter such as Arts and Sciences issues, Orders of Precedence, Laws and Policies, etc. If Corporate Office labels are used to mail such issues, please use a modified version of the statement of ownership found in B.3.a. A sample of such a modified statement follows:

"This is the January, 2009, issue of Artsy, a special issue of the Morgenstern, the official newsletter of the Kingdom of Provincia. Provincia is a branch of the Society for Creative Anachronism, Inc., and the Morgenstern is published as a service to the SCA's membership. Subscriptions (available only to members) are \$35 per year. Memberships are available from the Member Services Office, SCA, Inc., P.O. Box 360789, Milpitas, CA 95036-0789. All changes of address or questions about subscriptions should be sent to the Corporate Office. Copyright © 2009 Society for Creative Anachronism, Inc. For information on reprinting photographs, articles, or artwork from this publication, please contact the Kingdom Chronicler, who will assist you in contacting the original creator of the piece. Please respect the legal rights of our contributors."

### **13. Quality of Content**

#### **a) Editorial material**

All editorial material, both text and images, must conform to the goals and objectives of the Society, and portray the Society and the Kingdom in a positive light. No content, including official kingdom announcements, is exempted from this requirement.

There is no way to anticipate all the types of material that may be objectionable; what follows is a representative list:

- A. Personal attacks on individuals or groups
- B. Harsh criticism of the behavior of individuals or groups
- C. Copyrighted material used without permission
- D. Use of racial or religious stereotypes
- E. Offensive words, phrases, or images

It should be noted that, per Corpora, banishment or sanction announcements may not state why the individual is being banished or sanctioned.

If there is any concern that the material may be questionable, consult with the Society Chronicler.

#### **b) Event announcements**

It is the responsibility of the Kingdom Chronicler to publish any complete event announcement submitted in accordance with established rules of submission for legal events within the Kingdom. If a Chronicler has received a complete announcement for an event on time, he or she must ensure that announcement is published on time, for this publication is necessary if official business is to take place at the event. Event announcements should conform to the same guidelines for good taste and positive image as the rest of the newsletter. Chroniclers are expected to help rewrite event announcements that do not conform to the guidelines in B.4; if at all possible, the autocrat should be consulted during this process.

#### **c) Advertising**

Kingdom newsletters may, at the discretion of the editor, accept paid advertising for publication. The fee charged for such ads is left to the Kingdom Chronicler's determination. Kingdom Chroniclers should not accept any advertising which, in their opinion, promotes a negative image for the Society, which is written in questionable taste, which would fail to interest a significant number of their readers, which advocates the breaking of civil, Kingdom, or Society laws, or which, in their judgment, is inappropriate for the newsletter for any reason. Commercial advertisements must be for products and services vital to the educational purposes of the Society, according to Postal regulations. Ad fliers for commercial products may not be stapled into the Kingdom newsletters as inserts due to US Postal regulations. Kingdom Chroniclers must not accept ads for partisan politics or elections.

Acceptance of an advertisement does not constitute a guarantee that the ad will run in any particular issue, as advertising should be printed on a space-available basis, and space in Kingdom newsletters is reserved for those items which best serve the interests of the populace. If an ad is not run for any reason, it is the Kingdom Chronicler's responsibility to return the ad copy and all monies received for that ad to the originator.

#### **14. Removal from office**

##### **a) Causes**

Kingdom Chroniclers are subject to removal from office as stipulated in Corpora. The causes for which the Society Chronicler may seek the removal of a Kingdom Chronicler include, but are not limited to:

- Failure to make proper financial reports
- Use of stipend funds for unauthorized or personal purposes
- Repeated failure to mail on time
- Failure to publish the Kingdom newsletter for any month
- Use of objectionable material
- Use or distribution of the mailing labels or the Society mailing list for unauthorized purposes
- Editing or abridging the Society mailing list in any way
- Use of copyrighted material without permission
- Failure to maintain a Society membership as outlined in the governing documents of the Society
- Failure to abide by the policies in this document

##### **b) Re-warranting**

Kingdom Chroniclers may not be re-warranted without the approval of the Society Chronicler. Causes for which a warrant may not be renewed include, but are not limited to:

- Use of the newsletter to promote factionalism within a Kingdom
- Proven inability to answer correspondence, either from the Corporate level or from within the Kingdom
- Politicizing the office of Kingdom Chronicler (See B.15)

- Failure to respect and adhere to the ideals of the Society
- Repeated problems with financial reporting

**c) Suspension or Removal at Kingdom Request**

Should a Kingdom request the removal of the Kingdom Chronicler for causes not readily apparent to the Society Chronicler, the Society Chronicler will investigate the circumstances. Should the evidence show that the Kingdom has valid reasons, even if the corporate office has no reason to remove the officer, the Society Chronicler may agree to the removal. The Crown has the option of suspending the Chronicler at any time for just and stated cause, as provided in Corpora for the duration of the current reign. In the case of a suspension, the Chronicler's deputy will assume the office for the remainder of the reign.

**d) Administrative Sanctions**

**See Appendix I**

**15. Politicizing the office**

Funds that are collected in the name of the SCA may not be used to publish the personal attacks of one member against another. Kingdom newsletters announce events and provide information to their members. Philosophical discussions of the way the Kingdom or a branch works are not out of place, but they need to be handled very carefully. Articles that cause anger and divert people from study and re-creation are not acceptable.

This is not an issue of freedom of the press. Kingdom Chroniclers have a responsibility to see that their newsletters do not further the political aims of any one faction within a kingdom, and that a newsletter is not used to provide a platform for any one view in preference to another. Personal attacks may not be published in the name of the SCA or any of its branches, or paid for with money that will have to be reported to the IRS as spent in the furtherance of our educational purposes.

Chroniclers have a further responsibility not to take sides in a political dispute in print. Use of the newsletter to further personal political aims is grounds for removal from office.

**III. Local Newsletter Policies**

**1. Reasons for a local or organizational newsletter**

A local newsletter is less formal than a Kingdom newsletter. It exists to serve the needs of a local group or organization, to inform and educate that group of people about the SCA community in which they live, and to further the educational purposes of the SCA. It is crucial that the members of a local group communicate with one another, and a newsletter is an excellent method of communicating with the populace.

A functioning newsletter is considered a positive factor when a group applies for advancement. Any group that wishes to achieve the status of Barony must have a regular newsletter. Baronies and any group that aspires to higher status than baronial must have a newsletter.

## **2. Definition of a local or organizational newsletter**

A local branch or organizational newsletter is the recognized publication of a recognized group or educational organization within the SCA, Inc. It cites that local group or educational organization as its publishing authority, keeps its funds in an official SCA, Inc., branch bank account, and has as its editor a chronicler who is warranted by the Kingdom Chronicler. No other publications are considered for the purposes of this policy. Local chroniclers who are not warranted by the Kingdom Chronicler cannot use branch funds for the publication of the newsletter.

## **3. Required Inclusion**

### **a) Statement of Ownership**

A statement of ownership must appear in each issue of a publication which is produced by an organization of the SCA, Inc., but which is not published as a function of the Corporate Office mailing list. This is a sample minimal acceptable statement:

"This is the January 2009, issue of the (Name of Publication), a publication of the (Name of Branch or other organization) of the Society for Creative Anachronism, Inc. (SCA, Inc.). (Name of publication) is available from (modern name and address of chronicler). It is not a corporate publication of SCA, Inc., and does not delineate SCA, Inc. policies. Copyright © 2009 Society for Creative Anachronism, Inc. For information on reprinting photographs, articles, or artwork from this publication, please contact the Chronicler, who will assist you in contacting the original creator of the piece. Please respect the legal rights of our contributors."

For the purposes of this policy, a corporate publication of the SCA, Inc. is defined to be one of the following:

- Kingdom Newsletters and all Kingdom sponsored publications.
- Tournaments Illuminated
- Complete Anachronist
- The Known World Handbook
- The manuals and guidebooks that are published by the Corporation and its officers
- The Board is not limited by this list and may from time to time designate other publications as corporate publications.

### **b) Non-use of the Ownership Statement**

Any publication that does not use this ownership statement may not cite the Society for Creative Anachronism, Inc., or any of its branches or educational organizations as the publishing authority for the newsletter. Communications from any officers of the SCA to the members of any officially recognized branch or educational organization within the Society will not be recognized authoritatively within such publications.

Additionally, the newsletter may not be funded by any branch of the Society. No funds for this publication may be held or disbursed from any bank account bearing the Taxpayer ID of the Society for Creative Anachronism, Inc. This includes accounts of groups outside of the US.

#### **4. Distribution Requirements**

##### **a) Electronic distribution of the newsletter**

Group newsletters may be distributed in either printed or electronic format, or both. If a subscription fee is charged for the local group newsletter then it may not be provided for free in an electronic form. It is permissible to set different prices for the electronic and printed versions of the newsletter. It is important, however, that the burden of the expenses of the office (reporting copies, supplies, etc.) falls evenly on both print and electronic subscribers, and local chroniclers should examine all costs associated with the office in order to determine a fair price for both print and electronic subscriptions. If the local newsletter is provided free of charge to any and all members of the populace that ask for a copy, then the newsletter may also be provided in an electronic form to those members of the populace that desire it. Specific permission to publish electronically must be received from each contributor and the electronic newsletter must also adhere to the provisions found in the Electronic Publications Policies.

Note that a group website is not a newsletter. Newsletters are published on a regular basis (usually monthly or quarterly) and do not contain dynamic content.

Note also that past issues of newsletters cannot be posted to group or other websites without first obtaining the required permissions for electronic publication.

##### **b) Required complimentary copies**

All local chroniclers must send a copy of their newsletters to the Kingdom Chronicler or the person that the Kingdom Chronicler designates to track the local newsletters for them. Principality and Baronial chroniclers must also send a copy of their newsletter to the Society Archivist. (The Archivist automatically receives a copy of each Kingdom newsletter as part of the normal label run printed and distributed by the Corporate Office.) Each Kingdom Chronicler may also require additional complimentary copies, and may set policies for receipt of copies of electronic newsletters (i.e. the Kingdom Chronicler may allow them to be sent in electronic form, or require a paper copy).

##### **c) Reporting**

Local Chroniclers must make a written report to their Kingdom Chronicler, and other officers that he/she may designate, and their local branch treasurer on a regular basis. These reports must be made at least once per year, although a Kingdom may decide to require them more frequently.

## **5. Fiscal Responsibility**

### **a) Subscription Liability**

The funds which a branch accepts from a subscriber for a newsletter creates an obligation on the part of the branch, which must then publish the promised number of newsletters and make a reasonable effort to deliver them to the subscriber. If it cannot do so, it must promptly refund to every subscriber an amount equal to the remaining subscription liability.

If a group has not published a newsletter for which they are holding funds at least every six months or such lesser period as determined by the Kingdom Chronicler, they must make an earnest effort to return all subscription funds in their keeping.

### **b) Where and how Funds are to be Held and Administered**

Funds collected for a newsletter must be held in the local branch bank account, to be disbursed by the Exchequer at the chronicler's request. The chronicler must provide receipts for funds spent, and account to the local branch Exchequer regularly. These reports must be made at least once per year and may be required more frequently. The Chronicler may be a signatory on the group account.

Each local chronicler must keep up-to-date records of subscribers, the amount they have paid, and how many issues remain in each subscription. These records must be made available to the local Exchequer for reporting purposes.

## **6. Copyright Policies**

**See II.10**

## **7. Politicizing the office**

**See II.15**

## **8. Chain of Command**

The editor of a local newsletter reports to and is responsible to the Kingdom Chronicler, who acts as the representative both of the Crown and the Society concerning publications in the Kingdom. In Principalities, the local editor must report to the Principality Chronicler, who in turn is responsible to the Kingdom Chronicler. The local chronicler is also responsible to the seneschal of the group and the members of that group. Local branch chroniclers who cannot accept this chain of command should not be in office.

The Kingdom Chronicler may, with whatever Royal approval is required by Kingdom Law, remove from office any local chronicler who does not abide by the policies and guidelines which the Society or Kingdom Chronicler sets for local branch publications.

The editor of a local newsletter reports and is responsible to the Kingdom Chronicler and to any other deputy officer that he/she may designate, who acts as the representative both of the Crown and the Society concerning publications in the Kingdom.

## **9. Contents of the Newsletter**

A local branch newsletter is bound by the same suitability restrictions as the Kingdom newsletter (see II.13.a). Newsletters that do not abide by those guidelines cannot be published under the aegis of any branch of the Society, with the same consequences as for non-use of the ownership statement.

## **10. Advertising**

Local newsletters may, at the discretion of the editor, and with the permission of the Kingdom Chronicler and Exchequer, accept paid advertising for publication. This permission is dependent upon demonstration by the local Chronicler and Exchequer that they understand the standards for advertising and how to report the income. The fee charged for such ads is left to the local Chronicler's determination. Local Chroniclers should not accept any advertising which, in their opinion, promotes a negative image for the Society, which is written in questionable taste, which would fail to interest a significant number of their readers, which advocates the breaking of civil, Kingdom, or Society laws, or which, in their judgment, is inappropriate for the newsletter for any reason. Commercial advertisements must be for products and services vital to the educational purposes of the Society, according to Postal regulations. Local Chroniclers must not accept ads for partisan politics or elections. Advertisements must be clearly identifiable as such.

Acceptance of an advertisement does not constitute a guarantee that the ad will run in any particular issue, as advertising should be printed on a space-available basis. If an ad is not run for any reason, it is the Kingdom Chronicler's responsibility to return the ad copy and all monies received for that ad to the originator.

Note also that the income from newsletter advertising must be reported appropriately on the local group's Exchequer's reports.

Merchant guides and other similar publications are acceptable, so long as they follow the above guidelines, are produced by or under the supervision of the sponsoring group's chronicler, and a report copy are sent to the Kingdom Chronicler.

## **11. Removal from Office**

- a) The Kingdom Chronicler, with whatever Royal approval is required by Kingdom Law, may seek the removal of a local chronicler. The reasons for removal from office include, but are not limited to:
  - Failure to make proper financial reports
  - Repeated failure to send a copy of the newsletter to the Kingdom Chronicler and/or any others he or she may designate
  - Use of subscription funds for unauthorized or personal purposes
  - Use of copyrighted material without permission
  - Failure to abide by the policies in this document
  - Use of material that is in poor taste or is otherwise objectionable. If in doubt, contact your Kingdom Chronicler.

- Infringement of Kingdom Law
  - Politicizing of the office
- b) The Kingdom Chronicler should follow the guidelines for Administrative Sanctions found in Appendix I.

#### **IV. Electronic Publication Policy**

1. The Office of the Chronicler is the recognized authority within the SCA for dealing with all issues of copyright in both print and electronic publications.
2. SCA-recognized newsletters that are distributed electronically (via e-mail or by posting to a web site) must adhere to the same standards for privacy and information security as SCA-recognized websites.

Personal information must not be published in any SCA-recognized electronic newsletter without first gaining permission from the individuals involved. Permission must be received in writing (email is acceptable). Permission to electronically publish the contact information of an individual is in effect until that same individual revokes permission.

For the purposes of this policy, personal information includes the following:

- Correlation of modern name to Society name
- Home or work address
- Phone numbers
- Personal email address

It is permissible to list just a person's Society name in connection with any office they hold without permission, i.e. - Group Seneschal, Lord Robert the Volunteer"; as well as "role" email addresses such as [chronicler@sca.org](mailto:chronicler@sca.org)

As with hard copy issues of newsletters; electronic newsletters containing photographic images or art work must have a signed release form in place. In the case of photographs and portrait-style art work for electronic newsletters; should the person(s) whose image appears in the issue may request to have it removed. To do so the chronicler must be contacted in writing stating which issue(s) and which image(s) are to be removed. Once received the chronicler must remove the image from the electronic newsletter within 24 hours.

## **Appendix I – Sanctions**

### **I. Introduction**

It is extremely important that you inform your superior officers of a potential sanction as early in the process as possible so you can understand the steps that must be taken to impose the sanction. Without proper documentation and notification, sanctions can and will be overturned by the Board of Directors or Superior Officers. Remember, too, that a sanction without merit or unfairly imposed will be lifted, and the Royalty and/or Officer that imposed it may be subject to sanctions.

The requirement that sanctions be imposed for “just and stated cause” means that the cause for all sanctions must be documented, and made known to the proper people in a specific order. Regardless of the type of sanction, it is your job to ensure that all sanctions imposed by the Office of the Chronicler in your Kingdom are properly documented and that all required steps are completed when a sanction is imposed.

However, sanctions should be proportionate and appropriate. Sanctions should not be a substitute for appropriate administrative or legal action. Offenses against contemporary civil or criminal law should be dealt with through the appropriate legal system. This, however, does not preclude the SCA from taking additional appropriate actions.

### **II. Types of Sanctions**

In the Organizational Handbook; Corpora, Section X: Sanctions defines two types of sanctions: “Royal Sanctions” that can be imposed by Royalty, and “Administrative Sanctions” that can be imposed by Officers. In all cases, sanctions must be for “just and stated cause,” and the restrictions applied for each type of sanction are outlined in Corpora X.

### **III. Uniform Sanction Procedure**

Whenever a sanction is completed as described in Corpora X, six steps must be followed: Mediation, Justification, Implementation, Notification, Review, and Appeal. These steps remain the same no matter what level of the Society is imposing sanction on a participant. The only thing that differs is the nature of the restrictions that apply for sanctions at each level and the type of review required.

#### **A) Mediation**

In all cases except the most severe breaches of Society governing documents and policy, mediation can often lessen the level of sanction required. Administering parties are advised to attempt to resolve issues at the lowest level possible. It is also important that attempts to mediate the issues at hand be documented as they are attempted.

#### **B) Justification**

There must be a just and stated cause for any sanction. This cause must be documented in writing, along with any substantiating written evidence that is available. Before any Officer (or the Royalty you are advising) imposes a sanction, justification should be clear and present. When a history of attempts to mediate an issue have been unsuccessful,

documentation of the efforts made to resolve the issue, and the participant's role in those mediation attempts may be an important part of the just and stated cause for a sanction.

### **C) Implementation**

The following rules must always be followed when implementing a sanction.

- 1) Under no circumstances may the cause for the sanction ever be announced in a court or published in any branch publication.
- 2) An attempt must be made to directly contact the person being sanctioned to give them an opportunity to avoid being present at the event where the sanction is announced (Royal Sanctions only). This contact does not replace written notification as described below.
- 3) Administrative sanctions are not published in branch newsletters or in courts.
- 4) A Society-level ban from office or position (such as Event Steward) that lasts beyond a single event must be published to the Kingdom Seneschals to ensure enforcement if the sanctioned party moves to another Kingdom.

### **D) Notification**

Notification of the sanction must be made to the sanctioned individual and all required SCA officers in writing within ten business days. Notification of the sanctioned individual must be documented via the use of return-receipt mail or shipping.

- 1) A Society Officer issuing an Administrative Sanction must inform the sanctioned individual, appropriate Kingdom Officer and Crown of the realm of the sanctioned individual, and the appropriate Board Ombudsman, as to the specific cause and occasion of the sanction.
- 2) A Kingdom or Principality Officer issuing an Administrative Sanction must inform the sanctioned individual, the officer's superior at the Society or Kingdom level, and the Crown or Coronet as applicable, as to the specific cause and occasion of the sanction.
- 3) A Local Officer issuing an Administrative Sanction must inform the sanctioned individual as to the specific cause and occasion of the sanction. The Local Officer's immediate superior must also be informed of any Administrative Sanctions, and in the case of Baronial or Canton Officers, the Baronage must be informed as well. Notification of superior officers and the Baronage must be made in writing within ten business days.

### **E) Review**

Within thirty business days of the sanction being imposed, a packet including justification and proof of notification must be provided to the reviewing authority as defined in Corpora for that type of sanction. The reviewing authority will document their decision in writing to the imposing authority and the sanctioned individual.

- 1) Administrative Sanctions at the local, Principality, or Kingdom level will be reviewed by the superior officer upon receipt of notification. If a sanction is determined to be without merit or has been unfairly imposed, the sanction will be lifted and the officer that imposed it may be subject to sanctions. A decision may be appealed to the next person up the chain of command, following the appropriate procedures of that office.

- 2) The Board will not automatically review Administrative Sanctions; however, members may appeal an Administrative Sanction to the Board as provided in Corpora I.C.3. If upon appeal the Board determines that a sanction is without merit or has been unfairly imposed, the sanction will be lifted and the officer that imposed it may be subject to sanctions.

#### **F) Appeal**

Appeals may be made by sanctioned individuals, beginning with the next level up the chain of office. It is not acceptable to bypass levels of office in problem resolution. Reviewing an appeal means that the reviewing officer must:

- 1) Read all the documentation provided,
- 2) Make sure that all required steps were taken to resolve the situation before imposing the sanction,
- 3) Make a list of questions (if any), get them answered, and
- 4) Include the list of questions, answers, and who provided the answers in the appeal documentation before rendering a decision on whether to uphold the sanction. The decision whether to uphold or overturn the sanction must also be documented in the files so that if another, higher appeal is filed; the lower-level decision process is part of the next level's review.

#### **IV. Administrative Sanctions by the Office of the Chronicler**

Administrative sanctions may be appropriate when negotiations, discussions, and working with people cannot prevent a disruption to SCA branch activities connected to the Office of the Chronicler. If the presence of a person at functions may be dangerous to that person, the other participants, or to the Society itself, the matter should be referred to the seneschalate. As stated earlier, documentation of attempts to mediate issues with the sanctioned individual can be an important part of the justification for an administrative sanction.

##### **A) Types of Administrative Sanctions**

You can impose limitations that inhibit or prevent participation within SCA branch functions related to the Office of Chronicler in a specific way. These can be:

- 1) Termination of a warrant of office under the jurisdiction of the Chronicler chain of command.
- 2) Ban from holding a particular (or any) office or position in the Chronicler chain of command (either for a term or permanently).

##### **B) Process for invoking, reviewing, and reporting Administrative Sanctions by Chroniclers**

###### **1) Principality/Kingdom Chroniclers:**

Officials at this level may invoke sanctions, either as a single instance or as a longer-term effect. The sanction must be in accordance with Corpora X.B Administrative Sanctions and the Uniform Sanction Procedure outlined in this document.

###### **2) Society Chronicler**

The Society Chronicler may invoke sanctions as described above, but will use the following guidelines in determining a measured response to a situation.

- a) Chain of Command will be used to determine whether the matter can be satisfactorily resolved at a lower level. If so, it will be referred down the chain.
- b) Permanent or long-term bans will only be used in response to a severe breach of the Governing Documents or Chronicler's Policies.

## Appendix II – Newsletter and Publication Finances

(from chapter 10: Newsletter and Publication Finances – Chancellor of the Exchequer Branch Officer’s Reference Handbook of October 2007)

This article covers how to fund something many branches or guilds sell - newsletters. Also, some events produce site booklets with information on the schedule, activities, and merchants. Procedures and policies regarding newsletter and publication content will not be covered here, as the Chronicler is responsible for that. This chapter will deal strictly with matters involving the income from selling and advertising, and the expenses of printing and distribution. Newsletters and other publications involve a partnership between the Chronicler and the Exchequer, and approval from the Financial Committee.

### I. RESPONSIBILITIES

#### A) Financial Committee

The Financial Committee is responsible for approving the funding and pricing plans for a newsletter or other publication where funding uses the SCA account. Funding is usually done either as a set amount per month to spend in creating and distributing the newsletter, or as a subscription price. It is also allowable for a Financial Committee to decide that the branch pays for the paper copies of a branch newsletter out of the branch account, and the branch does not expect payment from the populace for the issues.

#### B) Chronicler

The Chronicler is responsible for the content, layout, and distribution of a newsletter. He or she is also responsible for keeping accurate records of subscriptions and providing the Exchequer with a list of subscribers (but not necessarily the mailing list with addresses) upon request and at least quarterly in conjunction with the Exchequer report due dates.

The Chronicler may not keep any money indefinitely as "petty cash" nor deposit any newsletter money in any account other than the branch’s bank account (the same as anyone else). This does not prevent a Chronicler from being one of the authorized signers on the account; however, the Exchequer remains responsible for the account. This policy is in place to reduce work, **not** because Chroniclers are assumed to be untrustworthy.

#### C) Exchequer

The Exchequer is responsible for depositing and disbursing all monies received from sales or subscriptions for the purposes of publishing and mailing a newsletter. These funds may only be spent for preparing, printing, and distributing that newsletter. It is recommended that each newsletter that is funded from an SCA bank account have its own special purpose fund within the branch account.

The Exchequer completes the **Newsletter Subscriptions Due Worksheet** in the Financial Report Packet with the information necessary provided by the Chronicler.

Anyone who manages SCA funds must be a warranted Exchequer. **It has been customary that the Chronicler of a branch or guild may not maintain a separate bank account without written variance from the Kingdom Exchequer. The only exception to this is for Kingdom Chroniclers, who report directly to the Society Exchequer.**

### II. CREATION OF A NEWSLETTER

This is a very basic discussion on what things need to be considered when starting up a newsletter. If you have already thought of these things, or have an established newsletter, good

for you! This discussion is targeted so that a novice branch can successfully start up and finance a newsletter.

First, there is the terminology. A Newsletter is a periodically published item (i.e., the Glyph Notes). An Issue is a periodic version of a newsletter (i.e., March 2006). A Copy (for this discussion) is one copy of an issue of a newsletter (i.e., my copy of the March 2006 issue of the Glyph Notes newsletter).

To start a newsletter, there are four things to consider: how often the newsletter issues are generated (issue frequency), how many copies per issue to print, how many pages one issue will contain (standard issue size), and how many copies per issue need to be sent. Once you have these figured out, you will have an idea of what it will cost to print and send one issue of the newsletter, and how much it will cost for a year to print and send the newsletter.

#### **A) Determine Issue Frequency**

Will your newsletter generate issues monthly, bi-monthly, or use some other timing? This is important for determining your yearly budget for generating the newsletter.

#### **B) Estimate Number of Copies of Each Issue to Distribute**

Estimate how many issues you intend to distribute, regardless of price. Some may be free, either complimentary copies for Royalty, Kingdom Chroniclers, or new people, or traded to other newsletters in return for a copy of their newsletter. Others you can sell, either by direct issue sales, or by subscription. Don't forget to keep a few for the branch or guild's archives.

##### **1. Complimentary Issues**

The Kingdom Chronicler and the Crown are usually sent free copies of any newsletter issue in that Kingdom. The Society Archivist also would appreciate being sent any copies of your newsletter as well. Your Kingdom Chronicler or branch or guild may require that other free copies be sent out. The branch may decide to offer some (for new people via the Chatelaine) or all copies free of charge, in which case, determine how many people will want copies other than the required recipients above.

##### **2. Trade Issues**

How many copies of each issue do you intend to trade with other newsletters?

##### **3. Sold Issues**

How many copies of each issue do you intend to sell to people, either by subscription or direct sales?

##### **4. Archive Issues**

How many copies of each issue do you intend to keep for the branch files?

#### **C) Determine Standard Issue Size**

1. Figure out what size paper you want to use: 8.5 x 11, 8.5 x 14 (legal), 11 x 17, or A4.
2. Figure out how many pages you intend to print on that size paper. You can print a lot on one 8.5" x 11" sheet, both sides.
3. Figure out how many sheets will need to be printed at that size by dividing the number of pages by 2 if one side of the paper will contain one page, or
4. if one side of the paper will contain 2 pages (the sheet is folded in half).

#### **D) Estimate Number of Copies of Each Issue to Print**

Consider the method of distribution: some newsletters are now distributed on the Internet or via email in Adobe PDF format, others are strictly paper issues, and some branches do a combination of both. You can charge for either method, but printing generally will cost.

#### **E) Estimate Number of Printed Issues to Send**

Estimate how many copies you will need to send through the mail. Calculate the proper amount of postage for the size you estimated. Contact your local postal authority to see if there are alternate plans for mailing which may save you money - bulk rates, third class, etc., although for branch newsletters this most likely won't be of use.

### **III. NEWSLETTER FUNDING**

Newsletters usually require money to be published -- money to pay for the copying and mailing. Sometimes the Chronicler donates this money. If they are U.S. residents, they may deduct any costs incurred (but not labor) from their Income Taxes. However, most Chroniclers will want to be reimbursed for their expenses. Branches and guilds are encouraged to provide a newsletter to its members as a service, and allowed to decide whether to provide it free of charge. If the branch has a great deal of other income or the newsletter is produced at a very low cost, this may be ideal. Unfortunately, most are not this lucky, and require some income to pay for this service without bankruptcy.

There are several ways of paying for a newsletter: donations, fund-raisers, sponsorship, direct sales, advertising, and subscriptions.

#### **A) Donations and Fund-Raisers**

Branches may solicit donations and hold fund-raisers to pay for the publication and distribution of their newsletter. All money collected for the newsletter is placed in a Newsletter Fund. The printing and postage expenses are paid out of the Newsletter Fund with all expenses requiring approval of the Financial Committee. This income is reported as Gross Newsletter Income.

Notable examples are the Kingdom Newsletter A&S Issues or Kingdom Laws and Policies Issues (aka Red Tape) -- the Kingdom Chroniclers usually request donations from the populace and hold fund-raising activities in order to pay for the publication of the additional issue of the Kingdom Newsletter.

The advantages to offering newsletters for free are that anyone who wants a copy of a newsletter issue can have one without paying for it. This can be great for recruitment of new members - the chatelaine can hand out or send copies of the current newsletter to potential members.

The disadvantages are that it is possible to lose money on the newsletter if donations fall below the amount of expenses generated by publication. If the branch has enough resources to absorb a loss, they can decide to do so. However, care must be taken to not deplete the branch of operating funds.

#### **B) Sponsoring Pages**

To accept sponsorship, set a minimum donation for a page, and print only the name of the sponsor on the bottom of the page, or on a list of sponsors somewhere in the issue. The sponsor may or may not have anything to do with what is on the page, but the page should have content, and not advertising.

It is important to note that notice of sponsorship is brief – usually in the form of —This page sponsored by <name>. This works well for A&S Issues and Kingdom Laws and Policies Issues. The donation is reported under Direct Contribution.

If a branch publication accepts sponsorship, and is so grateful they might want to tell the reading public a little about the Sponsor, they may only do so in the Editorial parts of the publication. The safest place (is an Editorial from the Editor, or a Letter to the Editor from the public.

### **C) Advertising**

Up until 2006, advertising was only allowed in Kingdom Newsletters. The reason was to avoid the complex financial calculations required due to advertising income being ‘Unrelated Business Income’ – which is taxable. A vendor paying for advertising is paying for specific ad content that they provided to be included in a specific issue of a newsletter. Because the information may be time-sensitive, care must be taken to make sure that the advertiser knows the timeframe of distribution of the newsletter before any agreement is made to include the advertising. If a contract between the SCA and an advertiser is **at all** involved, the Seneschal must also be involved to sign it.

To take in advertising, there needs to be a set rate for each ad size. The Chronicler should approve of the ad content **before** any money is accepted, or the advertising income must be returned if the ad submitted does not meet with the Chronicler’s approval.

### **D) Sales**

#### **1. Direct Issue Sales**

Direct issue sales are when the individual issues are purchased from the Chronicler or Exchequer. Each issue may have its own price, depending on the cost of producing that issue. The income is placed in the Newsletter Fund, and expenses are reimbursed out of that fund. (See Fund Accounting in Chapter 4.) Incoming money is recorded as Gross Newsletter Income, and expenses are reported under Administration Postage or Printing unless advertising is also involved (see below).

The advantages are that people may buy only those issues they want, and it allows new people the ability to see what the Society in that area is doing without committing a lot of money. It also saves money because postage is usually not involved.

The disadvantages are that people must seek out the seller(s) to obtain the newsletter, and may miss out if they don’t catch up to them. It may also be hard to determine how many copies of each issue to print – there may not be enough to go around, or too many that must be discarded.

#### **2. Subscriptions**

Subscriptions are when a person buys several issues at once in advance. They then expect that the issues they have purchased will be delivered to them as they become available. At any point in time, the branch owes them the amount of the subscription that has not been used (See Fund Accounting in Chapter 4 of the Chancellor of the Exchequer, the Newsletter Subscriptions Due liability).

Exchequers must make sure that their branch’s Newsletter Subscription Due liability is funded. This means that we must have enough money in the bank at all times to pay back all the subscribers if we discontinue the newsletter before their subscription

runs out (or they all discontinue their newsletters before their subscriptions run out). One way to minimize this liability is to publish in advance a ‘no refunds’ policy.

The income is kept in the Newsletter Fund, and expenses are reimbursed out of that fund. (See Fund Accounting in Chapter 4.) Incoming money is recorded as Gross Newsletter Income, and expenses are reported under Administration Postage or Printing as appropriate.

The advantages of selling by subscription are that someone can pay once and have a number of issues sent to them, without having to seek out the sellers. This is great for people who are unable to show up at branch or guild events regularly, or who are forgetful about keeping up with the issues.

The disadvantages are that the branch is obligated to provide either the newsletters or a refund, and that the newsletter usually costs more because of postage.

If an issue doesn’t get printed for some reason, the subscriptions must be extended to the next issue to ensure that the subscribers get the same number of issues for which they paid.

#### **IV. EVENT FLYER FUNDING**

Event booklets are usually produced as an event function. Branches and guilds are encouraged to provide site schedule information to its event attendees as a service, and allowed to decide whether to provide it free of charge. The cost of creating event booklets should be included in the event budget.

There are several ways of paying for an event booklet: sponsorship, direct sales, and advertising.

##### **A) Sponsoring Pages**

To accept sponsorship, set a minimum donation for a page, and print only the name of the sponsor on the bottom of the page, or on a list of sponsors somewhere in the issue. The sponsor may or may not have anything to do with what is on the page, but the page should have content, and not advertising.

It is important to note that notice of sponsorship is brief – usually in the form of —This page sponsored by <name>. The donation is reported under Direct Contribution.

##### **B) Advertising**

Up until 2006, advertising was only allowed in Kingdom Newsletters. The reason was to avoid the complex financial calculations required due to advertising income being ‘Unrelated Business Income’ – which is taxable.

A vendor paying for advertising is paying for specific ad content that they provided to be included in a specific publication. If a contract between the SCA and an advertiser is **at all** involved, the Seneschal must also be involved to sign it.

To take in advertising, there needs to be a set rate for each ad size. The Chronicler should approve of the ad content **before** any money is accepted, or the advertising income must be returned if the ad submitted does not meet with the Chronicler’s approval.

##### **C) Sales**

Direct sales are when the individual event booklets are purchased from event staff. Incoming money is recorded as Newsletter Gross Income, and expenses are reported under Activity Related Printing unless advertising is involved.

## V. PRICING

### A) Advertising

Advertising income should be used at a minimum to pay for the cost of producing the percent of the publication that the ad makes up. Divide your publication (either an issue of a newsletter or an event booklet) into full-pages, half-pages, or quarter-pages – whatever your smallest ad size would be – and count them. Include the covers as well. This is the count of possible ads (even though it contains the covers). Then, estimate the costs of printing a whole run of those publications. Divide that cost by the count of possible ads to find a per-ad cost. Round that up to a reasonable whole number to get your minimum ad price per smallest ad. Use that to determine your minimum ad price for larger sizes as well – if you have a quarter page ad price, the half page ad price would be twice the quarter page ad price.

### B) Newsletters

The first thing to do when selling a newsletter (either through direct sales or subscriptions) is to set a price.

If the newsletter is to be handed out to anyone who wants one, the price is zero. Advertising income would offset the expense of making the newsletter.

If the newsletter is to be sold by issue, the price should cover the cost of one copy of that issue. Advertising income would both offset the expense of making the newsletter, and possibly reduce the price set for that issue.

If the newsletter is to be sold by subscription (X issues at a time as they are published), the price should cover the cost of all X issues. Advertising might not be predictable enough to have any effect on the price set for a subscription.

If the newsletter is to be sold by issue, then each issue should have its own price. The price for each of several issues can be the same, although if the issues are different sizes (and thus different costs), the price should change as the cost changes. Newsletters may have differential pricing, such as an introductory rate for new people. When just starting out, or when one of the costs you plan on changes (either up or down), calculate your cost per copy using the method below. It is essential to know the cost per copy in order to set a price that accurately reflects the actual cost of printing that issue. Newsletters are allowed to be sold to make a profit, although any profit falls under the same rules and policies as any other money raised any other way, such as to save up for some item (print cartridges), or to pay for some special issue (A&S or Red Tape). In the following section, ‘copy’ means one stapled, folded set of papers. ‘Issue’ means a collection of copies that have the same information printed on them.

#### 1. Total Printing Cost per Issue

Find out the cost to print one sheet of the size of paper you chose on both sides. Try to get the best cost possible by comparison shopping. Remember that as quantity goes up, cost may go down. Printing 300 sheets may be cheaper per sheet than printing 50 on the same quality paper. Also make sure that you print more than enough for the issue. Printing 200 cheaply won’t save you much money if you needed 250 and the last 50 costs almost as much as the first 200.

Paper quality affects price, as well. Make sure that you use the correct quality -- colored paper or parchment may look nice, but it's more expensive. Heavier paper also costs more to mail.

If your newsletter is a pretty stable size and you have a significant number of copies to print per issue, try to get a contract from your printer. This may save you money. Because it's a contract, the Seneschal must sign it.

Multiply the total sheets needed for one copy by the number of copies to be printed. This will give you the total sheets to be printed for this issue.

*(number of sheets for one copy) X (number of copies to be printed) = (number of sheets to be printed for this issue)*

Multiply the printing cost per sheet by the number of sheets to be printed. This will give you the **TOTAL BASE PRINTING COST PER ISSUE**.

*(printing cost per sheet) X (number of sheets to be printed) = TOTAL BASE PRINTING COST PER ISSUE*

Additional costs may be collating, folding, stapling, addressing, sealing, color covers or unusual page combinations, such as an 8" x 14" cover on an 8" x 11" folded newsletter. This may be a flat rate or by copy count. Add this to the base printing cost per issue to get the total printing cost per issue.

*Total base printing cost per issue*

*+ Collating, folding, stapling*

*+ Color covers, special pages*

=====

**TOTAL PRINTING COST PER ISSUE**

## **2. Total Postage Cost Per Issue**

Find out how much it will cost to mail one copy of that weight. This is the postage cost for one copy. Even if you won't be distributing them by mail, you may still need to mail the complimentary copies as required by your Kingdom. Multiply the number of copies to be sent by the postage cost for one copy. This will give you the **TOTAL POSTAGE COST PER ISSUE**.

*(postage cost for one copy) X (number of copies to be sent) = TOTAL POSTAGE COST PER ISSUE*

## **3. Total Issue Cost**

Add the **TOTAL PRINTING COST** to the **TOTAL POSTAGE COST**. You may want to round this number up to the nearest dollar or just add a few dollars to account for small costs such as envelopes, staples or tape, and list them under **INCIDENTAL EXPENSES**. Add this to the first two, and this will give you the **TOTAL ISSUE COST**.

***TOTAL PRINTING COST PER ISSUE***  
***+ TOTAL POSTAGE COST PER ISSUE***  
***+ INCIDENTAL EXPENSES PER ISSUE***  
 =====  
***TOTAL ISSUE COST***

**4. Cost per Copy**

If the newsletter is to be sold, divide the ***TOTAL ISSUE COST*** by the number of copies to be sold; otherwise, divide the ***TOTAL ISSUE COST*** by the number of copies to be printed. This will give you the ***COST PER COPY***. In the first case, by dividing the ***TOTAL ISSUE COST*** by the number of copies to be sold, the cost of the free and trade issues are spread across the cost of the sold copies, so that every sold copy pays for a small part of a free or trade copy.

$$\text{TOTAL ISSUE COST} / (\text{number of copies sold or printed}) = \text{COST PER COPY}$$

Cost per copy may change while the first few issues are published, due to being able to better predict the needs of the newsletter -- how many to print, how many pages are needed, etc. It may make sense to do the first few issues as a direct copy sales item until your newsletter size and readership become stable.

**5. Selling Price per Copy**

Use the cost per copy to determine your selling price. If the branch's financial committee decides to subsidize all or part of the newsletter cost, you can set the selling price lower than the cost per copy. Otherwise, round up the cost per copy to a reasonable amount. You can also offer different prices depending on whether you will be mailing that copy or not. In that case, only add the required mailing postage to the calculations above, and then tack postage for one copy to be mailed on to the individual issue cost for the mailed price.

**6. Selling Price per Subscription**

Taking subscriptions is not nearly as difficult as it may seem at first. Changing the rate of subscription after a newsletter has been established requires a bit more thinking when creating the reports, but keeping good records of who has what subscription rate will go a long way to salvage the Exchequer's sanity. Try to make sure that the price you determine for the newsletter is a price you can stick with for several issues. Compare the subscription price to the price of other newsletters to make sure the price is comparable.

If you are going to sell subscriptions and you just want to sell subscriptions at the same rate no matter when during the year the subscription is purchased, use the selling price per copy multiplied by the number of issues in a cycle to determine your subscription price for a cycle. A subscription cycle is normally a year.

If your branch wants to make things easier on the Exchequer during Domesday, they can allow you to pro-rate the subscriptions during the year. This means that each month the subscription price changes, because all subscriptions end in December. Make

up a chart for how much the subscription costs each month to make it easy on yourself. So, if your price per newsletter is \$1 per year, in January the subscription cost is \$12, and in June the subscription cost is \$7.

However, if an issue doesn't get published, the subscriptions end one issue later -- thereby throwing off the December time frame. The best way to handle this is to have everyone get one free issue the following year - meaning that there will be a Newsletter Subscriptions Due liability of one issue price x number of subscribers. The next year's subscription price would be calculated on one less issue per year, and everyone pays that amount. At the end of the next year, assuming no more missed issues, you are back on track with Newsletter Subscription Due liability of zero.

## VI. SALES

The Exchequer and the Chronicler need to work together to determine how to sell the newsletter or other publication, as well as handle the incoming funds from all forms of sale, both direct issues and subscriptions. Incoming issue sales money and subscription money taken at any branch gathering should be treated just like other incoming funds. (see Chapter 4 of the Chancellor of the Exchequer Branch Officer's Reference Handbook of October 2007.)

## VII. REPORTING

In the case where the newsletter is provided free to the populace, the Chronicler does not have any financial reporting obligation. The Exchequer handles the printing expenses as normal administrative printing expenses.

### A) Newsletter Income

Income for newsletters from sponsorship is reported under Direct Contributions.

Income from newsletter sales from subscriptions or direct sales of current or past issues is reported on the **Newsletter Income Worksheet** under *Gross Newsletter Income*.

In the case where the newsletter is sold by subscription or by issue, the Chronicler is required to report to the Exchequer how much money was collected (if the Chronicler collected the money) and deposited.

In the case where the newsletter is sold by subscription, the grids on the **Newsletter Income Worksheet** are used to calculate the Subscription Liability. *Newsletter Subscriptions Due* liability must be calculated in order to properly fill out the financial report when subscriptions are concerned. The Chronicler is required to report to the Exchequer the number of subscriptions expiring by issue. Directions for filling out this form can be found in Chapter 7 of the Chancellor of the Exchequer Branch Officer's Reference Handbook of October 2007.

### B) Advertising Income

The financial reporting required involves subtracting the cost of producing the advertising as a percentage of the total cost to produce that issue. The result is what could be taxable.

In order to simplify the financial reporting, it is **highly encouraged** that a 5-to-1 rule be used. The 5-to-1 rule is 5 pages of content to 1 page or less of advertising OR 5 pages of advertising to 1 page or less of content. This rule must be applied to **each issue** of a

newsletter. If this rule is followed, then the percentages are rounded. If the content is 5 and the advertising is 1 or less, then the percentage of production cost is rounded to zero.

If the content is 1 or less, then the percentage of production is rounded up to 100%. If the 5-to-1 rule is not used, the percent of the issue that is advertising must be calculated. This must be done for each issue of the newsletter, not just for the whole newsletter. This can be done by pages:

$(\text{count of pages of advertising}) / (\text{count of pages of content including covers}) = \text{Percent advertising}$

If only partial pages are advertising, then use the count of half pages in the calculation. The percentage is then applied to the total cost of printing that issue, the result of which is entered on the **Income Worksheet Part 2**, and the rest is expensed as **Printing** on the **Income Statement**.

For example, if you have an event booklet that is half advertising and half event content (schedule, maps, etc.), and the cost of printing up all of the event booklets was \$100, then \$50 would be the amount of the publication cost to be entered on the **Income Worksheet Part 2**, and the other \$50 would be expensed as *Printing* on the **Income Statement** as usual.

Because printing costs are almost never nice round numbers, and the percentages might not be nice even fractions, using the 5-to-1 rule is **highly recommended**.

### **C) Expenses**

Newsletter printing expenses are reported under *Office & Administration*, and event booklet expenses are reported under *Activity Related*. Unless advertising is involved, all newsletter and event booklet expenses are reported on the *Printing* line on the **Income Statement**. Otherwise, the percent of expense involved in the advertising is reported on the **Income Worksheet Part 2** under *Cost*, and the percent of expense not involved in the advertising is reported under *Printing* on the **Income Statement**.

# Copyright Law for the SCA

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No reproduction allowed without prior written permission.

This is part of the *Chroniclers' Handbook* for the Society for Creative Anachronism. It has been based upon handouts created by the author over the last decade. It is designed to be a general overview of Copyright Law as it applies to publications within the SCA and used of material provided for or printed in those publications. As such, it is somewhat publisher-centric. It is not designed to answer all questions about copyright. For more information and answers to your questions, please contact the Society Chronicler.

## DEFINITION AND ORIGINS

Some people miswrite the word as “copywrite,” but if you think of it as the Right to make Copies, you will spell correctly: **Copyright**. It is part of the “intellectual property” pantheon of works that are not tangible property like a car or a basket, but come from the brain and imagination of the creator. These works, including trademarks and patents as well as copyrights, are also considered property and may be sold, licensed (similar to renting or leasing), modified, and otherwise developed or valued.

Some people feel that since the SCA stops at about 1600 C.E., copyright law does not apply. However, copyright was recognized in the Middle Ages, in one example when the monk who would become Saint Columba was called before King Dermott on a charge of copying a book. Analogizing to agrarian law that held the offspring belongs to the mother’s owner, King Dermott decrees that Abbot Finnian, who created the original, also owned Columba’s copy.<sup>1</sup> Later, copyright law developed in England as a way for the Crown to control the output of the new invention, the printing press. Without a royal grant (and payment of the related fees) you could not print.<sup>2</sup>

A “copy” is not merely a photocopy<sup>3</sup> of the item. “Derivative works,” which are based upon or derive from the original, are also considered copies under the law. Thus a song based upon a poem, a play or movie based upon a story, a sculpture based upon a photograph, or a translation of a work into another language, would all be considered copies of the original work. Often a person will create a pattern or recipe that “improves” upon an earlier version; this is another sign that the later-created work is a derivative work of the first one.

An exception to this rule is something that would stand on its own, without reference to the earlier work. A drawing used to illustrate a story or poem may fall into this category, and does

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<sup>1</sup> Stewart, *International copyright and Neighboring Rights* (Butterworths: London 1983), p. 14, citing Putman, *Books and their makers during the Middle Ages 1476-1600* (New York 1962) and as quoted in Ploman ^ Hamilton, *Copyright* (1980), p. 8. The story also appears in *Irish Saints* by Robert T. Riley (Avenel Books, New York 1964), pp. 46-47.

<sup>2</sup> B. Kaplan, *An Unhired View of Copyright* (1966), pp. 2-6.

<sup>3</sup> Use of the registered trademark “Xerox” as a verb is frowned upon. The correct verb is “photocopy”. Please use it.

not require the author of the poem or story to approve before use. Of course, if the illustration depicts real persons, you may wish to get their approval, both as a matter of politeness, and because the persons may have their own rights to their image that require such permission.<sup>4</sup>

### COPYRIGHT LAW TODAY

Now the law in most countries, as well as recognized in numerous multinational treaties, copyright law gives to the creator of a work the sole authority to make or permit others to make any copy (including derivative works) of that work. It is also reserved to the creator the ability to distribute not only the original work but the copies or derivative works, whether for profit or not.<sup>5</sup> The owner can assign this right to another person or to a non-person entity such as a charity or corporation, or can assign just part of this right. When you read about the author of a novel selling the hardback rights, paperback rights, movie rights, and television rights separately – that is because each right may be separated from the others and sold (or not sold) separately. The author can also decide to “license” (similar to “rent”) certain rights to others, instead of selling them outright, but limiting the time for the use or the scope, or by holding onto approval rights or other controls.

Ownership of the material representation of the item, as opposed to the copyright, are two very different things.<sup>6</sup> If you buy a book, you can sell the book, give it away, even lend or rent it to someone. The book is yours. The copyright that covers the material within the book, however, is not yours, so you cannot make a copy – whether photocopy or derivative work – without the permission of the copyright holder.

For publishers and editors (in the SCA, Chroniclers), this means you need to get permission of the author or artist before printing a story, article, poem, drawing, or other item.<sup>7</sup> If someone asks for permission to reprint, unless the ability to grant this permission was given to you, you should send the request to the original author or artist.

Sometimes people try to get around this restriction by using only part of the item.<sup>8</sup> However, this usually results in a derivative work, which as noted above also requires the permission of the original creator. It has been a particular problem for SCA Chroniclers when people submit cover art that is based upon a picture from another source; merely rearranging some of the items in the scene or removing some details is not sufficient to make the drawing original. It remains a derivative work. Other problems can arise when someone submits a song based upon a copyright-protected poem, or including the copyright-protected music for a film. In such cases,

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<sup>4</sup> While related to some of the areas of intellectual property law discussed in this article, “right of publicity” is a separate and specialized area of law that is left to others to discuss.

<sup>5</sup> In the United States, it is the Copyright Act, 17 U.S.C. §196. In Canada, it is *Copyright Act* R.S. c. 55, § 3(1).

<sup>6</sup> In the United States, it is the Copyright Act, 17 U.S.C. §202.

<sup>7</sup> If you use material that is not protected by copyright, such as Dover Publications’ clip art, you should credit the source and follow any rules they may impose upon the use of their material. Also be aware that the rules for use may change over time, so be sure to check the particular permission given for the source (book or CD) you are using. For example, you may be allowed to use the clip art in a personal item, such as an A&S entry, but not in a newsletter. Or you may be able to use it if the newsletter is printed on paper, but not if it is distributed electronically.

<sup>8</sup> For more information about this, see the section on “**FAIR USE**”.

you may print the words to the song, but tell people that the music is for such-and-such song by so-and-so artist. Or tell them where to find the poem, which can be sung to the music provided.

It does not matter if the copies are sold, by subscription, or distributed at no charge.<sup>9</sup> This often arises if a teacher wishes to use an article as a class handout, or part of class materials. For this, s/he needs to obtain permission. There is a narrow exception if, for example, a poem is distributed for classroom discussion, but even here the courts have divided about whether the original author's copyright was violated by the making of copies. As a rule, the "educational purpose" exception does not allow someone to make copies of patterns, instructional articles, and other materials for the class, even if the person charges the photocopying costs to the students. The teacher should require the students to buy their own materials unless the teacher gets permission to make copies.

Some people believe that because the SCA is a non-profit organization formed for educational purposes under United States Internal Revenue Code §501(c)(3), anything done within the SCA qualifies for the educational exemption. This is not true for at least two reasons. First, in other countries the United States ruling on status is irrelevant. Second, the educational exemption is very narrow, and some universities have been found to have violated copyright protections if they hired an outside company to make copies, instead of doing it in-house.

This also means that just because something was printed in one SCA publication, there is not automatically permission to use it in any other SCA publication, or as a handout in an SCA class, or otherwise within the context of the SCA. Anybody who wishes to do so must get the permission of the author and/or artist, unless that permission was granted on the **PUBLICATION PERMISSION FORM**. This applies whether the item was in a Society-wide publication or a local newsletter.

Further, while the person or entity who created or authorized the creation of a compilation (such as *Tournaments Illuminated*) may hold the copyright on the compilation as a whole, that person or entity does not hold the copyrights on the individual items contained in that compilation unless they were specifically given ownership. So the editor of *TI* cannot give permission for the reproduction of a drawing or article from a past issue; only the artist or author can do that.

### COPYRIGHT LAW ON THE INTERNET

By now it is well understood that copyright law applies on the internet as it does on paper publications. You need to have the author or artist's permission to use a photograph, article, poem, drawing, music, and so forth on a website. If you are using a recording of a poem, song, or other item, you need both the performer's permission as well as the author's. If the **PUBLICATION PERMISSION FORM** does not include permission to use the item on a website or other electronic format, you must get that before you duplicate the item.

Some recent cases (such as the widely-reported *New York Times Co. v. Tasini*, 533 U.S. 483 (2001)) confirm that paper and electronic media are different and require their own permission

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<sup>9</sup> If the newsletter is given as part of membership fees, and no separate fee is charged, it still can be argued that there is a value placed upon the newsletter because it is a benefit for members. Also, if the work is given away for free, the original author or artist has potentially lost a sale of the item in which the original appears.

forms. If the form says “in any media” that is one thing, but the SCA’s **PUBLICATION PERMISSION FORM** asks for specific permission for each type.

When material appears on a webpage, the Webminister or Web Chronicler should include the copyright information on every page, if possible. It can also help to have a legend such as this on the main pages and a contact page:

*All contents of this page (these pages) belong to the authors, artists, musicians, and other credited persons. If no person is credited they belong to <Webminister, SCA group, whatever>. Use of the content without permission of the owners may result in liability for infringement of copyright and other actions. All rights are reserved and will be enforced.*

In addition to the issue of getting the photographer’s permission to use a photograph on a website, there is the question of ability to use a person’s image, as in a group photograph or large scene. This concerns an individual’s right to privacy, and the right to control use of one’s image. Unlike public figures, private persons have a very strong right to control their image. Just because they are in a public or semi-public place, be it a park or a rented hall, a person in the SCA is a private person and those rights must be honoured. Just because someone is standing at the front of the room, or sitting on the dais under a crown or coronet, does not turn them into a public person.

Therefore, before using any person’s image on a website (or in a printed publication), you must have the permission of that person. It should be in writing, just as permission to publish a poem or drawing or article would be. The key is whether the person can be easily identified. If the only way to identify the person is by the surcote worn over armor, or knowing that a certain wide lady wears a pink dress with a blue veil which is seen on the back of a woman in the corner of a photo, you probably do not need to worry. But if you can see their face, or other identifying characteristics – the “can their grandmother recognize them in this picture?” determination – or if you want to use their name and identify all persons in the photo, then you should obtain permission. Given the state of privacy laws, which are very strict in the European Union, you should also check before posting identifiable photographs of people on a website.

Even more importantly, always get written permission before using any personal information, whether on a website or in a group directory, or even in the newsletter.

### **WHEN DOES COPYRIGHT PROTECTION BEGIN?**

In almost every country, you cannot protect what cannot be touched. The wording used in the United States Copyright Act is “tangible medium of expression.” So a poem that someone has never written down, but recites from memory, cannot be protected by copyright. However, as soon as the poem is written down, it is protected by copyright. This is sometimes called “common law copyright,” because registration is not required.

For “statutory copyright,” the protection created by laws, a person needs to use notice, and/or to register the work with the Copyright Office. This is the same in most countries where the SCA is active, although the details may be different. The notice is simply:

*© year, legal name of creator/copyright owner*

Notice is not required for something to be protected by copyright, so just because a copyright notice does not appear, does not mean that it is not protected under copyright laws. Also, just because an individual drawing or article does not display a copyright notice does not mean it is not protected; the format of the pages may be protected by the compilation copyright, and there may be a list at the front or back acknowledging the copyright ownership for each item in the compilation.

Formal registration requires filing one or two copies with the Copyright Office with the required forms and fees. For a periodical, the organization may mail a copy (or two) of each issue on a continuing basis if the Copyright Office allows, instead of separately registering each one. If a compilation is being registered, the Copyright Office may require the submission of a permission letter from any individual whose copyrighted material is included in the compilation, before it will register the compilation as a separate work.

In some countries, such as the USA, the copyright holder must register the work before a lawsuit alleging copyright violation can be brought. In others, such as Canada, registration is not a prerequisite. Penalties for violating someone's copyright can range from being required to destroy or turn over all the copies made, to having to pay restitution or the amounts of profits made from the unauthorized copies, to very substantial fines. In the United States, the fines can be \$100,000 or more for each instance of copying, and the penalty can include jail terms of up to two years. In Canada, the amount of the fine and term of incarceration are less, but still apply for each instance.

The term of a copyright varies depending upon the country and who holds it. In the United States, the copyright held by an individual lasts for the person's life plus seventy (70) years. For a work published anonymously or under a pseudonym the term is ninety-five (95) years from the first publication. This is similar to the terms in most other countries, although some may have a shorter term after the individual dies. Also in the European Union, there exists a **Term of Copyright Protection Directive**<sup>10</sup> which allows any person who finds a previously unpublished work that is technically out of copyright protection due to age, to register a copyright in that work for a period of twenty-five (25) years after first lawful publication or communication to the public.

Once a work's copyright has expired, it falls into the *public domain*. This means that any person may use the work without having to get permission from an author or other copyright holder. For example, Shakespeare's works or *The Elder Edda* are in the public domain. The only care that needs to be taken is to be sure that one is using original text and not a recently edited or translated version that might be protected in its own right. A translation may be protectable as a work in its own right, although if it is based upon a work in the public domain anybody else may also make a translation.

#### SPECIAL CONSIDERATIONS FOR EDITORS

An editor needs to be careful about more than just obtaining permission from an author or artist to use a work in the publication. While it is logical that an editor would be held responsible

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<sup>10</sup> Council Directive 93/98/EEC (effective 1 July 1995). Some people erroneously believe that this allows a person to obtain a copyright in a work that has fallen into the public domain. However, it only covers works that have not been previously published or distributed publicly, and so are not part of the public domain.

for publishing something despite knowing that it is protected by copyright, and the person who offered it does not have the right to do so, editors can also be held responsible if they *should reasonably have known* that the work offered was based upon a protected work. In the SCA, the most common experience of this type is that after a newsletter (even at Kingdom level) has been published, someone steps forward to point out that the cover art, or other illustrations, appear to have been copied from some other work. In one case, the artist claimed that because they were mirror images of the original, they were her own work. In another case, a picture of two jousting knights based upon a Time-Life book's illustration was claimed to be original because the figures were moved closer together and the barding on the animals was altered to resemble that of two Kingdoms about to go to War. In both cases, the illustrations were derivative works made without permission of the copyright holder of the original works.

A more familiar problem occurs when someone quotes material either without adequate attribution or using huge blocks of text without any commentary.<sup>11</sup> While the latter is more obviously a matter of poor workmanship, either one can result in charges of copyright violation. In some cases, a publication has been withdrawn – including in some widely-publicized instances from major publishing houses, and less well-known ones within the SCA – when it becomes apparent that it was not original work, but copied.

One way for an editor to limit problems is to require every contributor to complete and sign the **PUBLICATION PERMISSION FORM**. This affirms for your records that the person granting permission to use the work actually has the right to do so. Even if you later discover that the person lied and did not have the right, you have a signature on a document stating that the person told you that s/he did. Of course, if you have reason to know at the time that the person does not have this right, it may not protect you.

If you are given a work with a substantial number of references, or which looks as if it was compiled from a number of sources, ask the person who supplied it to get the form signed by each author or artist. If there are two names credited with creating the work, you need to have a signature (on the same form or separate ones) from both of those persons. If you cannot get a signed permission form from each contributor, you may have to remove that portion of the work before the remainder is published.<sup>12</sup>

If you want to use a work that has been published elsewhere and have trouble finding the author or artist, there are two things to try. If the person is a member of the SCA, you can write to the Membership Office and ask them to forward a letter to the person's address. If not, you can try the Copyright Clearance Center (USA copyrights only) or the publisher of the work to see if they have a way to contact the author or artist.

Sometimes you may be asked to pay a royalty or other fee for the publication. You should advise the person that you are with a nonprofit educational organization and will provide a copy of the publication for her or his records. If this is not sufficient, and you cannot afford the fee, you will have to find a legal alternative to using the material.

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<sup>11</sup> Wilson Mizner is widely quoted as saying “If you steal from one, it is plagiarism. If you steal from many, it is research.” Piffle.

<sup>12</sup> If the person is deceased, his or her heirs would have the ability to grant permission. In some instances it may be another organization; J.M Barrie gave the rights to Peter Pan to the Great Ormond Street Hospital.

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**SUGGESTED PERMISSION REQUEST LETTER:**

Dear Sir or Madam (*or use name(s), if known*):

I am the editor of \_\_\_\_\_, a publication with (monthly/quarterly/annual) circulation of ## for the (area – *use modern legal terms unless you are writing to an SCA member*) of the Society for Creative Anachronism, Inc., a non-profit educational organization dedicated to the study of the Middle Ages and Renaissance. I would like to print/use your work titled “\_\_\_\_\_” in the \_\_\_\_\_ issue. We do not have the means to provide an honorarium for this use, but will provide two copies of the publication for your records.

Please respond by \_\_\_\_\_ if at all possible. I will be happy to answer any questions you may have. My address, email address, and telephone number appear above.

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## PUBLICATION PERMISSION FORM:

I, \_\_\_\_\_, being known within the Society for Creative Anachronism as \_\_\_\_\_, do hereby grant permission for my (circle appropriate item(s): article/poem/picture/song/\_\_\_\_\_) entitled \_\_\_\_\_ to be used as follows (*check all that apply; complete blanks where necessary*):

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