

Greetings to the officers and members of the SCA:

It has come to my attention that there is a vast amount of misinformation around the Society concerning waivers and waiver policy. The purpose of my letter to you today is to do what I can to clear up these misconceptions. Please note that the following is the minimum required by the SCA Inc.; individual Kingdoms may impose more stringent requirements at their discretion.

I believe everyone is aware that individuals attending events must either present a membership card demonstrating proof that a signed waiver is on file at the SCA Member Services office (a “blue card”, referred to as a “waiver card” in the SCA Governing Documents), or they must sign a waiver at the gate. I am fairly confident that this procedure is being followed at most if not all events. Bravo to all!

WAIVERS AT FIGHTER PRACTICES

Many people seem to be unaware that the waiver policy also applies at SCA fighter practices. Here is a quote from SCA Corporate Policies (a part of the Governing Documents of the SCA, which can be found online at www.sca.org or ordered from the Stock Clerk), section VI:

- A. Anyone attending any event sponsored by a branch of the SCA Inc. who is not able to present a valid SCA Inc. waiver card must execute a waiver as follows:
 1. All US Branches: must execute a waiver with the text adopted by the Board of Directors at each such event, practice or function
 2. All non-US Branches
 - a. must execute a waiver with the text adopted by the Board of Directors at each such event, practice or function, OR
 - b. must use a country-specific waiver that has been approved by the US Board of Directors, OR
 - c. must submit to the US Board of Directors a letter of legal opinion stating that the waiver requirement is not necessary in that particular country.
- B. The text of all waivers must be the language approved by the Board of Directors for waiver usage, subject to individual modern jurisdictional requirements. Such alternative texts must be approved by the Board of Directors prior to usage. Roster style waivers are acceptable providing that the full text of the waiver language is included.
- C. An event, for the purposes of this section only, is defined as any recreation function announced in either the branch, Kingdom, or Principality newsletter. Business meetings, demos, guild meetings, dance practices, or planning sessions are specifically excluded from these provisions. Combat or Fighter practices are not excluded and waivers must be collected from those actively participating in the combat related activities at such practices.

Any function at which combat related activities will occur fall under the auspices of this waiver policy, regardless of what other activities may be occurring at the function. If there is a doubt about whether a specific function falls under this policy, the Kingdom Seneschal is directly empowered by the Board to make that determination and report same in their next regularly scheduled report.

Please take special note of section C. All participants in combat-related activities must either present a valid membership-with-waiver card (“blue card”) or sign a waiver at any SCA-sponsored activity, be it an event or a practice. No exceptions!!

What constitutes an SCA-sponsored activity? If a practice is listed in the local, principality, or Kingdom newsletter, clearly that is an SCA-sponsored activity. This would also apply if the event is advertised through other commonly recognized means, such as the Shire email list, especially if the group is a small one and does not have a newsletter.

If a household or individual decides to hold a practice in someone’s back yard, and they do not advertise it through an SCA medium, then it is not an SCA-sponsored activity and the waiver policy above does not apply. Note also that, in such a case, the SCA’s insurance does not cover that activity.

WAIVERS FOR MINORS

Minors who are members and have a blue card of their very own NEED NOT have a new waiver signed for them at every event (unless otherwise specified by Kingdom Law or policy). Their parent or guardian signed a waiver when they sent in their membership, and it is on file. For combat participation by minors (for those Kingdoms which permit persons under age 18 to participate), some special rules apply, as stated in Corporate Policies section V.A.3:

Prior to the training of a minor in any SCA combat-related activity, the parent or guardian of the minor must witness the activity, discuss it with a witnessing marshal, and execute a Waiver for the minor. The witnessing marshal must be explicitly authorized to perform this function by the Earl Marshal of the kingdom. The marshal who authorizes a minor person for any form of SCA combat-related activity must be the Kingdom Earl Marshal or the Principality Marshal. This need not be the same person as the witnessing marshal.

Section V.A.4 is also important:

Any minor involved in SCA combat-related activities at an event MUST have a parent or properly-executed Medical Authorization Form for Minors designating some adult person present at the event as able to authorize medical treatment for that minor in the case of any emergency.

Note that a Medical Authorization form is not the same thing as a Waiver. Consult your Kingdom Seneschal for more information.

WAIVER STORAGE

Another question that has come up is that of what should be done with the waivers from events and fighter practices. This is also addressed in SCA Corporate Policies, section VI:

E. Each Kingdom shall have a single responsible officer ("Waiver Secretary") as a deputy to the Kingdom Seneschal to ensure that all required waivers, rosters, and sign-in sheets are collected and safely stored within a reasonable time after each event. The Waiver Secretary shall ensure that waivers for each event can be located and provided to the appropriate officials in the event a specific waiver is required.

Each Kingdom shall store all original executed waivers, rosters, and sign-in sheets, or legally accepted facsimiles, in such a manner that a responsible party can easily retrieve any needed waiver.

F. Local groups need not maintain copies of these records. Kingdoms shall maintain the adult waivers for seven years and the minor waivers for 20 years.

If you are unsure about waiver storage procedures in your Kingdom, please consult your Kingdom Seneschal.

IN CONCLUSION

Why do we have this policy? The waivers serve to protect us all in the event of a lawsuit resulting from SCA activities. Contrary to popular belief, the waivers are NOT worthless – they have now stood up in Court, or stopped a potential lawsuit from getting as far as a Court, on several occasions. Legal advice has indicated that waivers are probably even more important at fighter practices than at events.

Requiring waivers at fighter practices is not a new policy. It has been in effect for as long as there has been a waiver policy. It is very important that it be enforced at all levels, in all Kingdoms. (International groups – please consult with your Kingdom Seneschal to see whether waivers are required, or whether a variance has been granted in accordance with Corporate Policies VI.A.2., quoted above.) It is not difficult to do; it is currently being done in many areas, ranging from small Shire practices to enormous Kingdom practices.

Seneschals and marshals - please ensure that this policy is enforced in your group! It is vitally important that these rules be followed.

If you have questions concerning this policy, or need advice on implementation procedures, please consult your Kingdom Seneschal. I would also be happy to answer any questions.

In service,

Meg Baron
President, SCA Inc.