

The Kingdom of An Tír



Bullying and Harassment Policy and Procedures

May 2019

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1. Overview

1.1 Purpose

The purpose of this document is to provide:

- Definitions for identifying inappropriate and/or illegal behaviours,
- An overview of the process for managing bullying and harassment in the Kingdom of An Tir,
- An overview of the roles involved in dealing with a bullying or harassment claim.

1.2 Scope

This policy applies to all persons participating in SCA-related events or activities including, but not limited to, feasts, tournaments, regular meetings, practices, and online activities including mailing lists and social media as well as any other online space used by and/or for SCA participants.

1.3 Summary

This document sets out the definitions of bullying and harassment, how allegations are to be made and how they will be dealt with when the process is followed correctly. This document also sets out the requirements on all parties when a complaint is made, and provides appendices, a summary on those requirements and a form for making a formal complaint.

1.4 Guiding Principles

The goal of this document is to clearly state what is and is not bullying and harassment, how to deal with it, and how allegations will be handled by those in authority within the SCA in An Tir.

An Tir acknowledges the need to work towards the following:

- Increase awareness of bullying and harassment,
- Strive to prevent the occurrence of bullying and harassment within our community,
- Assist those targeted and those affected through this process,
- Investigate reports of bullying and harassment,
- Conduct fair investigations involving those accused under this policy, and,
- Administer fairly to those who are found to be in violation of this policy.

2. Definitions

For purposes of this policy, the following definitions will apply:

An Tir: Kingdom of An Tir

Bullying: Intentional persistent, unreasonable and unwelcome behaviours which have detrimental effects on individual(s)

Complainant(s): The person, or persons, who is/are reporting allegations under this policy.

Event or Activity: Officially-sponsored gathering, event, practice, meeting, or SCA-sponsored activity.

Findings: The results of an investigation.

Harassment: Harassment is a form of discrimination. It involves any unwanted physical or verbal behaviour that a reasonable person would consider offensive or humiliating. Generally, harassment is a behaviour that persists over time, although serious one-time incidents can also sometimes be considered harassment.

Respondent(s): The person, or persons, against whom allegations have been made.

SCA: The Society for Creative Anachronism, Inc.

3. Inappropriate Behaviour

This section defines inappropriate behaviours, which while legal, are deemed to be unacceptable, and run counter to the cultural fabric of An Tir. This includes bullying (defined here as **persistent, unreasonable and unwelcome behaviours** which have detrimental effects on individuals). This includes, but is not limited to, behaviour that could reasonably be seen to be offensive, humiliating, intimidating, degrading, or threatening.

3.2 Bullying and Harassment

These behaviours may be covert and/or overt and include, but are not limited to:

- Verbal abuse (e.g., using racial, homophobic, transphobic, ableist epithets, etc.)
- Slander and libel
- Doxxing
- Physical Intimidation
- Using threatening language
- Abusing rank, title, or office to intimidate others
- Intentional misgendering
- Spreading false rumours-with malicious intent
- Repeated hurtful remarks or attacks, which includes, but is not limited, to use of social media

3.1 Bullying or Harassment is Not

- One-off or occasional instances of forgetfulness, rudeness or tactlessness.
- A single incident of unreasonable behaviour, depending upon severity.
- The termination, desired or not, of a friendship or more intimate relationship where emotions are hurt but the behaviour of either party does not otherwise meet the criteria or scope for bullying or harassment.
- A dislike and/or avoidance of another person, as long as that feeling or action does not cross into some of the above-listed unwelcome behaviours.

With regard to officers, Committee/Board members, the Crown and their representatives in regard to the execution of their role and management of their subordinate officers, deputies, or representatives, bullying is not:

- Setting high but reasonable performance standards of conduct and performance.
- Providing constructive feedback and legitimate advice.
- Requiring reasonable verbal or written work instructions to be carried out.

The test for bullying is the reasonableness of the behaviour and the impact of that behaviour on the recipient.

4. Illegal Behaviours

Any discriminatory behaviour that is counter to United States or Canadian law is not legitimate and will not be tolerated in the Kingdom of An Tir. Such acts should be reported to the appropriate authorities. For the purposes of this policy, the term harassment will be used inclusive of the behaviors below.

Notwithstanding any legal proceedings or outcomes, the Board reserves the right to investigate complaints and/or undertake sanctions once modern legal action has been resolved, if taken.

The Kingdom of An Tir defines “Harassment, intimidation, or bullying” as any intentional electronic, written, verbal, or physical act. . . when that intentional act (a) physically harms an individual or damages the individual’s property, or; (b) has the effect of substantially interfering with the individual’s ability to meaningfully participate in SCA related activities, or; (c) is so severe, persistent, or pervasive that it creates an intimidating or threatening environment within the scope of SCA related activities, or: (d) has the effect of substantially disrupting the orderly operation of an SCA-related activity.

The SCA is an open Society; participation in SCA related activities is not and never has been restricted to those persons who purchase official membership in the Society. While membership is required for certain activities (e.g., holding offices, royalty, entry into Crown Tournaments, acting as a marshal on the tournament field), any member of the public may attend, witness, and participate in SCA-related activities. This is increasingly true with the advent and proliferation of social media and its use in promoting SCA-related activities.

Therefore, the Kingdom of An Tir declares the following:

All persons desiring to participate in SCA-related activities shall, to the extent possible with reasonable accommodation where necessitated by physical or mental limitation, be entitled to the full and equal enjoyment of the goods, services, facilities, and privileges, advantages, and accommodations of any SCA-related activity without discrimination or segregation on the ground of:

- Race, color, descent, or national or ethnic origin;
- Sex and sexual orientation;
- Gender identity or expression;
- Religion;
- Pregnancy or potential pregnancy, or family responsibilities;
- Marital status;
- Family status;
- Physical or mental disability;
- Age.

None of the above listed behaviors are required to rise to the level of a criminally defined Hate Crime in order to be considered inappropriate or unacceptable behaviors in the Kingdom of An Tir. Harassment of any person based on race, gender, sexual harassment, harassment of people with disabilities, etc. will not be tolerated in the Kingdom of An Tir.

In addition, the following behaviour constitutes harassment in Canada:

Criminal harassment:

(1) No person shall, without lawful authority and knowing that another person is harassed or recklessly as to whether the other person is harassed, engage in conduct referred to in subsection (2) that causes that other person reasonably, in all the circumstances, to fear for their safety or the safety of anyone known to them.

Marginal note: Prohibited conduct

(2) The conduct mentioned in subsection (1) consists of

- (a) repeatedly following from place to place the other person or anyone known to them;
- (b) repeatedly communicating with, either directly or indirectly, the other person or anyone known to them;
- (c) besetting or watching the dwelling-house, or place where the other person, or anyone known to them, resides, works, carries on business or happens to be; or
- (d) engaging in threatening conduct directed at the other person or any member of their family.

4.1 Violence

Acts of violence, including sexual violence, towards a person can be verbal (e.g., verbal abuse, threats, shouting, swearing, doxxing) or physical (e.g., stalking, throwing objects, hitting, damage to property). Acts of violence may be illegal or criminal and will not be tolerated in An Tir. Any Act of Violence may be reported to the appropriate modern authorities pursuant to An Tir Kingdom Law.

5. Managing Allegations

Any allegation of bullying or harassment will be treated seriously and sensitively. Complainants will be provided with information about the options available to assist them to make an informed decision about how to proceed.

Participants may approach their local seneschal for support and advice in the first instance. Where this is not appropriate or possible, first contact may be made with the Principality or Kingdom Seneschal. In such instances, complaints may be referred back to the local seneschal or an appointed representative of the Principality or Kingdom Seneschal, at their discretion (see section 6.2).

The SCA will attempt, where possible, to facilitate an informal process for the resolution of allegations of bullying or harassment as described in this document. Where this option is not appropriate (or successful), a formal investigation process will be initiated. In limited instances it may be appropriate to initiate this process as a first step at the Kingdom Seneschal's discretion. Any outcomes will be in accordance with the SCA Sanctions Guide.

It is understood that there are sometimes larger community issues which may contribute to bullying/harassment allegations; however, the SCA can only investigate specific complaints against individuals as per the principles of natural justice / procedural fairness.

5.1 Organizational Responsibility

The Kingdom of An Tir retains the right to take action to ensure that participants are safe from bullying and harassment on an individual and collective basis.

Where An Tir becomes aware of harassment or bullying-related incidents, such incidents may be investigated (even in the absence of an allegation from an individual), depending on the seriousness of the issue and the nature of the information available.

5.2 Personal Responsibility

All participants are expected to behave respectfully and to promote an environment built on courtesy and chivalry. To this end, participants are expected to:

- Encourage a group culture which does not tolerate bullying or harassment
- Not accept inappropriate behaviour
- Support other participants to speak out against inappropriate behaviour

In An Tir, the An Tir Kingdom Laws apply as well as the laws governing the Principality of the Summits and the Principality of Tir Righ.

6. Process for Managing Bullying or Harassment Complaints

6.1 Purpose

The purpose of this process is to strive to ensure that:

- All participants are aware of the initial informal process as well as the formal process for reporting and investigation of harassment or bullying allegations.
- All allegations are dealt with in a consistent, appropriate, and timely manner.

6.2 Inappropriate versus Illegal Behaviours

The Kingdom of An Tir retains the right to take action to ensure that participants are safe from bullying and harassment on an individual and collective basis. Complaints received may include behaviour defined as inappropriate (see Section 3), or illegal (see Section 4), see table below.

Any Component of a Complaint:	Process:
Involving Inappropriate Behaviour (see Section 3)	Complaints involving inappropriate behaviour can be reasonably dealt with by An Tir using the following processes (see Sections 6.3-6.5).
Involving Illegal Behaviour (see Section 4)	Complaints involving illegal behaviour are considered beyond the scope of what the Kingdom of An Tir can reasonably deal with. The Kingdom of An Tir is required to limit any investigations which could potentially compromise modern legal proceedings stemming from any occurrences reported in a complaint. Formal complaints involving illegal behaviour can still be submitted to the Kingdom..

If a complaint involves behaviour deemed to have safety considerations, the Crown, working with Kingdom Seneschal, may sanction an individual from events and activities for a period of time (see Section 6.5). Temporary provisions may also be enacted to protect the individuals involved, as well as the integrity of any investigation, as deemed appropriate by the Crown, working with the Kingdom Seneschal, and/or the Society Seneschal. As well, If the Respondent has been arrested or charged for an illegal behaviour, the Crown, working with the Kingdom Seneschal, and/or the Society Seneschal may initiate sanctions at that point.

6.3 Informal or Initial Process

The table below describes the process to be completed when an informal or initial allegation of harassment or bullying is made. The SCA encourages individuals to raise issues by following the process below. It acknowledges that in some cases it may be appropriate to formalize the process after stage 4.

Stage	Description
1	Perceived harassment or bullying occurs
2	Complainant or witness gets in touch with their local seneschal. In extenuating circumstances, the matter may be brought to the next level of authority, either Principality or Kingdom, though please be prepared to justify this course of action in detail, using objective criteria.
3	Informal action is encouraged through facilitated discussion and informal investigation wherever possible. It may be appropriate for the local, Principality or Kingdom Seneschal to conduct a brief preliminary investigation to determine whether it is reasonable to consider the complaint genuine and/or whether it is able to be substantiated before a full and formal investigation is undertaken.
4	<p>If the complaint is found to be genuine and/or able to be substantiated, the seneschal will first determine, working and communicating with the Complainant, if any of the grievance procedures are suitable for the situation (e.g., direct contact with the Respondent should not be encouraged if the Complainant feels such action is unsafe or would put them at risk for further alleged inappropriate behaviour). While it is understood that some or all of the procedures may not be appropriate, the procedures should be considered before moving on to a formal complaint. The steps include:</p> <ul style="list-style-type: none"> • talking to the Respondent to seek a resolution/ask behaviour to stop • writing to the Respondent to seek a resolution/ask behaviour to stop • involving a third party to be a mediator and/or asking that party to intervene on the Complainant's behalf to seek a resolution or request that the behaviour stop. <p>Please note: If the Respondent is asked to stop the behaviour, through whatever method chosen, the Respondent must be allowed the opportunity to actually stop that behaviour before escalation of the complaint takes place.</p>
5	Formal complaint. If the informal process was either unsuccessful or inappropriate, then a formal complaint should be considered. Should a complaint be considered vexatious by the local seneschal, an appeal may be made to the Principality or Kingdom Seneschal. If, after a Principality or Kingdom-level review, the local seneschal's view is upheld, additional material evidence will be required before that complaint may be considered again. All decisions may be appealed to the next level in the chain.

6.4 Formal Process

Once a written complaint has been initiated, a determination for an investigation may be made by the Kingdom Seneschal (in consultation with the Principality Seneschal where appropriate).

A formal investigation may be carried out by the Kingdom and/or Principality Seneschal or an impartial investigator appointed by the Kingdom or Society Seneschal. If concerns exist regarding the impartiality of the investigator by the Complainant and/or Respondent, they should be communicated to the Kingdom Seneschal prior to initiation of the investigation.

The Kingdom and/or Society Seneschal, working in conjunction with the Crown and Coronet (as applicable) will decide the appropriate next steps at the start of the formal investigation.

Stage	Description
1	To request a formal investigation, a written complaint can be made to the Principality or Kingdom Seneschal.
2	The Kingdom and/or Society Seneschal are ultimately in charge of any investigation, mediation or any other process required to resolve the situation.

6.5 Sanctions

Where an allegation is substantiated through the investigation process, sanctions may be considered by the Crown, working with Kingdom Seneschal, and/or the Society Seneschal as per SCA Inc. Sanctions Guide, as appropriate.

6.6 The Complainant

To make a formal allegation, the Complainant must provide a written statement using the format of Appendix 1, . A summary of allegations will be provided to the Respondent. If requested, the identity of the Complainant may be redacted from the allegations provided to the Respondent, though the Complainant should be prepared to justify the request for anonymity.

As the Complainant, it is important that you understand the following points and carefully consider them before you decide whether or not to make a complaint:

- Have you checked whether the described behaviours are defined as bullying or harassment?
- If the complaint involves a breach of modern law you will be encouraged to also file a complaint with the modern authorities.
- You will generally have the option of an informal or formal process, depending on the nature of the allegations. The SCA has the sole right to investigate or not to investigate any complaint.
- After completing an informal complaint process -
 - You can close the matter and take no further action, or
 - You can file a formal complaint.
- Be aware that if you make a serious allegation then the SCA has a responsibility to take action. This includes investigating the actions and responses of everyone involved.
- Be prepared to share any material evidence or names of individuals who may have witnessed the alleged incident(s).
- You will be expected to maintain courteous behaviour throughout the process.
- The role of the investigator is to be objective; they cannot play the 'friend' role.

- An Tir aims to have investigations completed in a timely manner; however, formal investigations may take longer than expected.
- All parties to the investigation, including yourself, the Respondent, witnesses, Seneschal, and investigator (if relevant) will know about the complaint. Parties to the investigation may also include the Kingdom Seneschal and the Society Seneschal/Board of Directors if necessary.
- You will be expected to maintain both confidentiality throughout the process, and discretion following the process. Confidentially includes restricting the sharing of information or discussing matters directly related to the complaint on social media. Sharing information on social media about the complaint during this process could jeopardize the outcome.
- Be prepared to identify a desired resolution with the understanding that the desired outcome may not be possible or appropriate depending on the circumstances (i.e., a wide range of outcomes are possible, though none are guaranteed).

6.7 The Respondent

If a formal allegation is made, the Respondent is entitled to know the details of the allegations in writing, as well as the name of the Complainant, unless the Complainant's request for anonymity is found to be justified. These will be provided in a timely manner once the allegation is made to ensure they have a fair opportunity to respond to the allegations.

If a complaint has been laid against you, you should consider and understand the following points:

- The SCA will attempt, when possible, to facilitate an informal process for the resolution of allegations of harassment or bullying.
- Where this option is not appropriate or successful, a formal investigation process can be initiated. You will be advised of the process.
- You have the right to know what the allegations are.
- You have the right to an objective investigation without preconceived ideas or bias.
- It is important that you remain courteous with all parties throughout the process.
- The role of the investigator is to be objective; they cannot play the 'friend' role.
- An Tir aims to have investigations completed in a timely manner, however, formal investigations may take longer than expected.
- Be prepared to share any material evidence or names of individuals who may have witnessed the alleged incident(s).
- All parties to the investigation, including yourself, witnesses, Seneschal, and investigator (if relevant) will know about the complaint. Parties to the investigation may also include the Kingdom Seneschal and the Society Seneschal/Board of Directors if necessary.
- You will be expected to maintain confidentiality both throughout the process, and discretion following the process. Confidentially includes restricting the sharing of information or discussing matters directly related to the complaint on social media. Sharing information on social media about the complaint during this process could jeopardize the outcome.
- If you elect to not engage in the process, this will not result in a dismissal of the complaint(s).

7. Procedurally and Substantively Fair Investigations

7.1 The Hearing Guideline

- No findings should be made without all parties being able to be heard and all sides getting a fair chance to tell their story.
- The Respondent must be informed of the evidence put forward about them and have a fair chance to put their own case forward.
- Respondent must be informed of possible outcomes, including sanctions.
- The Complainant must be informed of details of any counter allegations by the other person, and be informed of any possible negative outcomes including sanctions.
- While the investigation report is confidential and is not shared with either the Complainant or the Respondent, the recommendation of the report is given to both parties (once accepted by the seneschal and the Royals).

7.2 The Bias Guideline

- Investigations should be impartial. The investigator should disclose any apparent or real conflict of interest.
- The investigator should not pre-judge until all evidence has been heard.
- The investigator should not make promises or hint at outcomes.
- The investigator should listen without bias.
- The investigator should make it clear that the outcome is based on evidence, not on relevant persons, who is higher in precedence or holds higher office, who stands to lose the most, etc.

7.3 The Evidence Guideline

- A finding cannot be made until all relevant evidence has been considered.
- Findings cannot be made on irrelevant information (gossip, rumour, unsubstantiated comments, hearsay, assumptions, etc.).
- The findings of previous investigations will be considered on an individual basis. Should previous findings be deemed relevant to the investigation, the person against whom findings have been made will be notified and provided with reasonable time to prepare submissions that speak to those findings. All previous findings can, however, be considered when recommendations are made.
- Intention or deliberateness is difficult to prove. It can easily be denied as a defence. Keep a focus on what has happened and the impact on people involved.

7.4 Repeat Complaints

Any previous investigations, whether formal or informal, may be used to help form determinations in future proceedings, including involving the Complainant and/or the Respondent. Past complaints may not be used to establish facts regarding a new complaint, but may be used to determine the level of censure or sanction.

7.5 Guidelines for Investigators on Procedural Fairness

- Complaints should be taken seriously and acted on in a timely manner.
- Complaints that have been investigated and closed should not be re-investigated unless there is substantial new information or there have been substantive procedural errors made on the part of the investigators or decision makers (**e.g. not agreeing with the outcome is not a valid reason to re-open an investigation of closed complaints**). The Kingdom Seneschal, along with the Society Seneschal/Board of Directors, retain the right to determine if a previous complaint should be re-investigated, based on the evidence provided to them at that time.
- The Complainant has an obligation to provide the specific allegations in writing.
- The Respondent has a right to know the specific allegations laid against them, and the facts surrounding those allegations.
- The Respondent must have a reasonable opportunity to respond to the complaints.
- All parties to a complaint have the right to be heard.
- All relevant submissions and evidence are to be considered, while matters that are not relevant to the complaint will not be taken into account while a determination is being made.
- Investigators should remind interviewees that they are not obligated to respond; however, refusal to do so may affect the outcome of the investigation.
- Parties should be kept informed about the progression of the investigation.
- Investigations should be conducted without bias or prejudice, and without irrelevant questions, leading questions, or assumptions being made.
- **Although the Complainant should be asked what resolution they are seeking, they do not determine the outcome (e.g. level of action decided).**

8. Other Relevant Documents

SCA Inc. Governing Documents ('Corpora')

SCA Inc. Sanctions Guide

SCA Inc. Harassment and Bullying Policy

An Tir Kingdom Laws

9. Revision History

First Version: June 2018

Appendix I: Formal Complaint Form

Please use the online form to file a formal complaint wherever possible. This will help ensure that the Seneschal is in receipt of all relevant information required to consider your complaint. The form is located at (URL).

By filling out and submitting the form, you agree to the following:

The information collected and contained in complaint are for the purposes of investigation, consideration and recommendation. The information is confidential and only available to the investigator, local and Kingdom Seneschal, Complainant, and Respondent (unless the request for anonymity is agreed to). The Crown, or representative of the Crown, Society Seneschal and Board of Directors may also receive a copy of the report if appropriate to the circumstances. Witnesses may be provided access to only the information relevant to them. Where An Tir believes that a matter is serious, they may investigate without a formal complaint.

If you do not wish to use the online form, please use the format below in an email.

Have you read the An Tir Bullying & Harassment Policy and Procedures? If not, please do so before proceeding before filing a complaint.

Would you like to request to remain anonymous to the Respondent? If yes, please provide justification.

Complainant

SCA Name

Modern Name

Email Address

Phone Number

Home Branch

Respondent

SCA Name

Modern Name

Email Address

Phone Number

Home Branch

Describe the behaviour that you believe to be bullying and/or harassment

Where and when did the incidents occur? *Provide physical locations, dates and times wherever possible.*

How did you respond to these incidents?

Are there any witnesses to these incidents? If yes, provide SCA names, modern names, and home groups.

Have previous actions been taken to resolve this issue? *If yes, please provide information.*

What outcome are you looking for?

By submitting this complaint, you attest that the information provided above is, to the best of your ability, a true and accurate account of the events and actions described.

Date