

## **NATIONAL DEBATE TOURNAMENT CONDUCT POLICY**

The National Debate Tournament is committed to promoting ethical and rational communication behavior as an important part of an activity that maintains a deep respect for freedom of expression. The NDT recognizes that the adversarial and competitive nature of academic debate places participant students, educators, judges, and tournament administrators in the position of having to weigh the merits of competing strategies that may have ethical implications. At the same time, the NDT is an association of professional educators committed to promoting a respectful form of argumentation. In adopting this policy, the NDT recognizes that behaviors which belittle, degrade, demean, or otherwise dehumanize others are not in the best interests of the activity because they interfere with the goals of education and personal growth. All NDT participants should recognize the rights of others and communicate with respect for opponents, colleagues, critics, tournament hosts, and audience members. Communication which engenders ill-will and disrespect for forensics ultimately reduces the utility of forensics for all who participate in it and should, therefore, be avoided.

This Policy has been prepared and adopted by the National Debate Tournament Board of Trustees and the National Debate Tournament Committee, and will be in effect for the 2014 and subsequent National Debate Tournaments.

All debaters, coaches, judges, staff, and all other individuals present at the National Debate Tournament, or participating in activities associated with the NDT, in any capacity whatsoever, are expected to know and are required to abide by this Policy. For the purposes of this Policy, the term “activities associated with the NDT” includes the National Debate Tournament; the various District qualification tournaments; other aspects of the qualification process (for example, the preparation, submission, and evaluation of at-large bids); any official tournament functions (for example, awards ceremonies, receptions, and the like); and any other activities while present at the NDT or District qualification tournaments. NDT participants should also adhere to the Charter of the NDT, the Standing Rules for the Operation of the NDT, the American Forensics Association Code of Ethics, the policies and requirements of their own educational institutions, and local, state and federal laws, and avoid discrimination or harassment based on any basis prohibited or regulated by law or applicable policies.

Coaches and program directors are encouraged to discuss the Policy with other participants prior to the NDT, and are expected to take any reasonable and necessary actions to ensure compliance by participants who are affiliated with their respective schools. By participating in the NDT or in activities associated with the NDT, each individual shall be deemed to have agreed to comport her or himself in accordance with this Conduct Policy.

### **POLICY**

All persons participating in the National Debate Tournament, or in any activity associated with the NDT, shall at all times and in all circumstances conduct themselves with respect for all other participants, during debate rounds and at all other times.

No participant shall suffer or cause discrimination or harassment during the course of, or in connection with, the NDT on the basis of any protected characteristic. Protected characteristics include age, color, religion, disability, race, ethnicity, national origin, sex, gender, gender identity, sexual orientation, marital status, veteran or reserve status, or any other basis prohibited by any applicable law, regulation, or ordinance.

Specific threats of violence whether or not motivated in whole or in part by any protected characteristic, have no place whatsoever in academic debate. Bullying and intimidation, whether or not motivated in whole or in part by any protected characteristic, has no place whatsoever in academic debate.

## **DISCUSSION, DEFINITIONS, AND PROCEDURES**

### 1. Background:

It is the nature of the academic debate community to provide a forum for the robust expression, criticism and discussion of, and engagement in, the widest range of opinions. This does not provide a license for bigotry in the form of demeaning, discriminatory speech actions and the NDT does not tolerate harassment or threats of violence. Any member of this community who is threatened by discrimination or harassment is liable to be harmed in mind, body or performance and is denied the guarantee of an equal opportunity to work, learn, and grow inherent in the above principles. In the debate community, the presentation of a reasoned or evidenced claim during the course of argument about a societal group may unavoidably offend a member of that group. Reasoned and responsible argument of this type is analytically distinct from a gratuitous, denigrating claim about, or addressed to, an individual or group made with the purpose or intent of degrading, demeaning, or otherwise dehumanizing the target. In context, the former may be a legitimate part of bona fide academic behavior. The latter, which is intended to demean, degrade, or victimize in a discriminatory manner, is not. Harassment is a form of discrimination and consists of verbal or physical conduct imposed on the basis of a protected characteristic, which has the effect of denying or limiting one's right to participate in the activity, or creates a hostile, intimidating or offensive environment that places the victim in an untenable situation or diminishes the victim's opportunity to participate fairly. Discrimination or harassment by one person against another is particularly abhorrent when the first person is in a position of power with respect to the second. At the same time, it should be understood that false accusations, whether malicious or fanciful, have serious far-reaching effects. A deliberate false accusation will be regarded as a very serious matter, as will threats of retaliation by the accused against individuals who have filed complaints of discrimination or harassment. Both the making of a deliberate false accusation and any form of retaliation constitute violations of this Policy.

Virtually all colleges and their sponsored activities are subject to federal law prohibiting discrimination or harassment on the basis of sex (Title IX of the Education Act Amendments of 1972), color, race, national origin (Title VI of the Civil Rights Act of 1964), disability (Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act), and other protected classifications. Other federal, state, and local laws and ordinances impose similar requirements on activities occurring in schools or other places of public accommodation.

The American Forensics Association regulations provide that “[a]ll tournaments should operate in an environment free of any behavior (whether verbal or nonverbal) that results in the harassment of any participant (whether student, coach or judge.)” “All participants in an AFA sponsored event shall recognize the rights of others and communicate with respect for opponents, colleagues, critics, tournament hosts and audience members. Behaviors by any tournament participants occurring at an AFA sponsored event that violate the community standard of a healthy educational environment shall be deemed” unprofessional conduct and subject to sanctions.

This Policy supplements, and does not supplant, any other applicable policy. It is incumbent upon the participants in the NDT to ensure full and enthusiastic compliance with the anti-discrimination and anti-harassment goals of these provisions, as well as any requirements imposed by their individual colleges or universities.

This Policy is not intended to create any legal right, or to create any cause of action in favor or against any person. This Policy does not attempt to define any term or conduct for purposes of any law, but rather only for the purposes of the Policy itself. This is an internal policy of the National Debate Tournament.

2. For purposes of this policy, the term “harassment” means any act or course of conduct that:

(a) is predicated on or derogatory of a protected classification, such as sex, race, or national origin;

(b) is offensive to the recipient of the conduct, and would be offensive to a reasonable person in the same situation or circumstances as the recipient of the conduct;

(c) is severe in nature or pervasive in extent, or both, under the circumstances, and

(d) interferes materially with an individual’s participation in the NDT or any associated activity, or creates an environment that is intimidating or hostile, or which substantially disrupts or interferes with the orderly operation of the NDT or the rights of any person to participate in or benefit from the activities of the NDT.

(e) Such conduct may include threats; gestures; making remarks which are by common usage lewd, obscene, or may expose a person to hatred; or any other conduct which is sufficiently severe, pervasive or persistent so as to interfere with or limit a person’s ability to participate in, or benefit from, the services, activities, or opportunities offered by the NDT.

(f) Such conduct also includes any act of actual or threatened *quid pro quo* harassment, i.e., the granting of promising of favorable treatment (or withholding negative treatment) based on acquiescence to, or the withholding of a complaint about, unwelcome conduct, usually based on sex.

3. In formulating a policy on discrimination and harassment, the NDT hopes to eliminate a rather narrow range of behaviors and actions from this activity. But we cannot guarantee that the argumentative environment will be free from anxiety for all members of the community all of the time. Often, reasoned arguments which are pertinent to the debate are unsettling and disturbing.

The experience of making, meeting, or being exposed to such arguments can be both painful and highly educational. The simple fact that a situation is uncomfortable does not automatically make it discriminatory or harassing. Teachers and students should be able to take controversial positions without fear, in accordance with the principles of academic freedom and ethical, rational discourse, informed by a commitment to simple civility.

4. Violence and threats of violence are absolutely prohibited. A “threat of violence” is either an explicit threat of violence, or any action, oral or physical, that creates in the target or another observer a reasonable perception that violence is, or may be, imminent or intended. Participants must not engage in behavior that threatens the safety, security, or functioning of the NDT; the safety and security of other participants, or the safety and security of others. Orderly conduct is required of all participants at any activity associated with the NDT.

(a) Participants, either individually or as a group, shall neither cause violence nor threaten violence. No participant shall commit any assault, battery, unwelcome body contact or touching, or the impeding or blocking of safe movement.

(b) This policy includes the prohibition of bullying. “Bullying” includes physical intimidation, taunting, name-calling, or insults; or the making of false or derogatory statements about another.

5. Coaches, program directors, judges, and other individuals who may be (or who may reasonably be perceived to be) in a position to exert power or undue influence over other participants, and particularly over student-debaters, should be particularly aware of their responsibilities to avoid harassment or discriminatory actions.

(a) Judges, researchers, and assistants, like coaches and program directors, should consider themselves to be educators who will lead by deed as well as by word.

(b) Coaches, program directors, judges, researchers and assistants should scrupulously avoid using their position, or their perceived position, as leverage either to engage in inappropriate exclusion of individuals based on a protected classification (for example, excluding individuals from activities based on national origin) or to engage in inappropriate relationships.

(c) Coaches, program directors, judges, researchers and assistants must ensure their conduct complies with this Policy during all facets of the NDT, including situations that may generate inherent tension, such as during a judge’s explanation of her or his reason for decision in a particular round.

#### 6. Procedures:

(a) The Chair of the NDT Committee shall appoint a Committee, which shall be responsible for enforcement of this policy. At least one member of the Committee shall be a member of the NDT Board of Trustees. The Committee shall consist of not fewer than five, nor more than seven individuals. In appointing members of the committee, the Chair of the NDT Committee shall take into consideration such factors as breadth of experience in the activity; maturity of judgment; diversity with respect to demographic factors; representation of large, small, public, and private

institutions; any particular expertise required, and other factors the Chair shall deem appropriate. Membership on the NDT Committee or on the NDT Board of Trustees, or affiliation with a team competing at any given NDT, shall not be a prerequisite for membership on the Committee. The composition of the Committee shall be public, and the Chair of the NDT Committee may establish such procedures as she or he deems useful in determining the individuals to appoint. The Chair may appoint substitute members if a particular allegation cannot be fairly adjudicated by one or more of the members of the Committee.

(b) Any individual who seeks to make a complaint of harassment or discrimination at or in connection with the National Debate Tournament, on their own behalf or on behalf of another, should immediately contact a member of the Committee or the Committee's designee. The Committee or its designee(s) shall promptly conduct an investigation of the matter, with due regard for the privacy of all parties and witnesses to the greatest extent possible consistent with adequate investigation. However, the nature of the conduct may make it impossible to conduct an investigation without apprising witnesses, as well as the accused, of the nature of the accusations. The Committee shall then take such action as it deems appropriate under the circumstances, including the imposition of sanctions. Sanctions may be imposed by majority vote of the members of the Committee present at the tournament, or under such other strictures as the Committee itself shall adopt. If the Committee or its designee determines that interim action is immediately necessary, prior to completing an investigation and due to the nature of the allegations, the Committee or its designee may immediately take such actions. In the rare case of a complaint that appears to raise the possibility of an intentional violation of a criminal law, the Committee or its designee may report those allegations to appropriate authorities.

(c) The nature of sanctions the Committee may impose will necessarily vary, based on the type of conduct found to have occurred as well as the role of the individual who has committed the conduct. For example, a sanction against a debater who has engaged in harassment may involve some competitive consequence, whereas an assistant team researcher's violation of the Policy may or may not appropriately be imputed to the team, and in some circumstances may not properly implicate a competitive consequence. The Committee may impose some or all of the following sanctions, based on a finding that this Policy has been violated, taking into account the seriousness of the offense, the nature of the injury caused (if any); the context in which the offense occurred; any differential in position between the offender and the complaining person; and all other circumstances the Enforcement Committee may find to be appropriate:

- (i) A confidential letter of admonition or censure to the offender (usually appropriate only in the case of a *de minimis* first offense);
- (ii) A letter of admonition or censure to the offender, also provided to the director of the debate program with which the offender is associated;
- (iii) A letter of admonition or censure to the offender, also provided to the administration of the college or university with which the offender is associated;
- (iv) The making of a formal complaint to the appropriate governing board of the offender's college or university, such as the university Title IX Coordinator or Honor Council;
- (v) Limitation of or prohibition on the offender's attendance at the remainder of the current NDT, or at future National Debate Tournaments;

- (vi) Competitive sanctions at the current NDT, including reduction or elimination of speaker points; losses of ballots or rounds; preclusion from elimination rounds; preclusion from speaker award recognition, or such other competitive consequences as the Committee deems appropriate in the circumstances.

The Committee may take into consideration whether the proscribed conduct was a first offense or a repeat offense. A record of sanctions, including confidential admonition and censure, shall be kept. The Committee shall produce a publically-available written decision (save for confidential admonitions or censure) in the original case and for appeals to help ensure that a consistent set of principles is applied to cases.

(d) A decision of the Committee (or its designee) imposing, or declining to impose, sanctions, may be appealed to the Appeals Committee of the NDT. The Appeals Committee or the NDT Committee may provide for the manner in which such appeals may be decided, including delegation of authority for deciding appeals (save that such authority may not be delegated to the Committee or any member thereof), and including the number of members of such committee who shall constitute a sufficient quorum for action on an appeal. A participant desiring to file a complaint should do so as soon as practicable. Complaints regarding tournament behavior will generally not be entertained unless made within 30 days of the end of the tournament. Complaints regarding post-tournament behavior related to or arising out of the NDT will generally not be entertained unless made within 30 days of the behavior complained of.

(e) The NDT emphasizes that each and every individual participating in the NDT, or in any event associated with the NDT, is deemed to have agreed to this Policy. Given that predicate, each individual participating in the NDT, or in any activity associated with the NDT, agrees that any action taken in good faith by the NDT Board of Trustees, the NDT Committee, the Committee or any designee of the Committee, any witness or participant in any investigation, any complaining party, or any member, employee, attorney, agent, or designee of any of those bodies or persons, pursuant to this Policy, shall not give rise to any claim or cause of action whatsoever, of any kind, against any person, including specifically but not exclusively any claim for defamation, libel, or slander.

7. No person shall suffer any retaliation, in any form, by any person for making a good faith complaint under this Policy, whether or not the complaint is ultimately determined to be founded. Any retaliation, by any person or in any form, for the making of a good faith complaint under this policy is, itself, a violation of the Policy and subject to sanctions.