

NDT Conduct Policy (as adapted for the Bethel Park Black Hawk Invitational)

The [Bethel Park Black Hawk Invitational] 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 [Bethel Park Black Hawk Invitational] recognizes that the adversarial and competitive nature of [forensics] 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 [Bethel Park Black Hawk Invitational] is . . . committed to promoting a respectful form of [education]. In adopting this policy, the [Bethel Park Black Hawk Invitational] 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 [Bethel Park Black Hawk Invitational] 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 . . . will be in effect for the 201[6 Bethel Park Black Hawk Invitational.]

All [competitors], coaches, judges, staff, and all other individuals present at the [Bethel Park Black Hawk Invitational], 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 [Bethel Park Black Hawk Invitational]” includes the [Bethel Park Black Hawk Invitational and] any official tournament functions (for example, awards ceremonies, receptions, and the like); and any other activities while present at the [Bethel Park Black Hawk Invitational. Bethel Park Black Hawk Invitational] participants should also adhere to . . . 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 [Bethel Park Black Hawk Invitational], 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 [Bethel Park Black Hawk Invitational], each individual shall be deemed to have agreed to comport her or himself in accordance with this Conduct Policy.

1. *Policy.* All persons participating in the [Bethel Park Black Hawk Invitational], shall at all times and in all circumstances conduct themselves with respect for all other participants, during [] rounds and at all other times.

No participant shall suffer or cause discrimination or harassment during the course of, or in connection with, the [Bethel Park Black Hawk Invitational] 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 [forensics]. Bullying and intimidation, whether or not motivated in whole or in part by any protected characteristic, has no place whatsoever in [forensics].

2. Discussion, Definitions, and Procedures

a. Background: It is the nature of the [forensics] 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 [Bethel Park Black Hawk Invitational] 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 [forensics] 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 [schools] 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.

. . . All 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 . . . 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 . . . 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 [Bethel Park Black Hawk Invitational] 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 [schools].

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 [Bethel Park Black Hawk Invitational].

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

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

(2) 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;

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

(4) interferes materially with an individual’s participation in the [Bethel Park Black Hawk Invitational], or creates an environment that is intimidating or hostile, or which substantially disrupts or interferes with the orderly operation of the [Bethel Park Black Hawk Invitational] or the rights of any person to participate in or benefit from the activities of the [Bethel Park Black Hawk Invitational].

(5) 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 [Bethel Park Black Hawk Invitational].

(6) 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 [Bethel Park Black Hawk Invitational] hopes to eliminate a rather narrow range of behaviors and actions from this activity. But we cannot guarantee that the [] environment will be free from anxiety for all members of the community all of the time. Often, reasoned arguments which are pertinent to the [activity] 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 [Bethel Park Black Hawk Invitational]; 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 [Bethel Park Black Hawk Invitational].

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[s], 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 [Bethel Park Black Hawk Invitational], 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.

(Adapted for use by the Bethel Park Black Hawk Invitational. Wording in brackets has been changed from the NDT policy to reflect differences between the NDT and the Bethel Park Black Hawk Invitational. Ellipses and empty brackets omit words or phrases not relevant to the Bethel Park Black Hawk Invitational. Citation, certain internal quotation marks, and certain alteration omitted.)