

# **NDT Petition Process**

## **Intent**

This process is intended to provide a means to report issues, concerns, and rules violations that are not addressed by distinct resolution processes in the NDT Standing Rules.

## **Process**

1. The NDT Petition Committee will receive and respond to all petitions about rule violations that fall outside of the Standing Rules' resolution provisions. Those petitions should be submitted through this [Petition Form](#). The submission should include information on the names/affiliation of the parties involved, contact information, and a detailed description of the inappropriate conduct alleged.
2. The NDT Petition Committee will formally acknowledge receipt of official petitions within 24 hours.
3. In cases where the alleged violation would have a direct impact on the immediate operation of the tournament, the Petition Committee will recommend a course of action to the Tournament Director.
4. The NDT Petition Committee will formally communicate the outcome of complaints to relevant parties via email. In cases where the alleged conduct and/or remedy would substantially affect the larger tournament, the Petition Committee will communicate with participants via email (e.g. Tabroom email blast).
5. The submission of a complaint may not result in an immediate decision from the Tournament Director, NDT Chair, or the Committee if the complaint does not have a direct impact on the next debate or the immediate operation of the tournament.

# Committee

Adrienne Brovero, University of Kentucky  
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## **Issues *NOT* Covered by *This* Process:**

### **Standing Rules with Specific/Distinct Resolution Provisions**

#### **Conduct Committee (I.C)**

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 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.
- (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 NDT.

(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.

<<and>>

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.

#### **Tobacco/Alcohol/Substances (IV.F)**

4. No Smoking Policy. All rooms in which NDT competition takes place shall be declared No Smoking Areas, where smoking shall be prohibited. Host schools shall post signs announcing this rule. The NDT Director shall inform attendees of this rule at the opening assembly and again at the start of the final round.

5. Alcohol and Controlled Substance Policy. The use of controlled substances and alcohol shall be prohibited in rooms in which NDT competition takes place. The NDT Tournament Director shall inform attendees of this rule at the opening assembly and again at the beginning of the final round.

6. Tournament Disclosure and Scouting.

#### **Evidentiary Integrity Challenges (VII.B)**

B. Procedure for Adjudication of Evidence Integrity Challenges.

1. Standards governing evidence use shall be those of the AFA Debate Program and Debate Tournament Standards with the following additional stipulations/interpretations:

a. All evidence should include full source citation of original sources, either in a master file available in the round, or on individual cards. The source citation should be sufficient to permit others to locate the original source. It should include, at a minimum, the author's name (if given in the original), name of the published source (journal, magazine, book, newspaper, or government document), full date, and page number.

b. All paraphrases of evidence must be indicated both on the evidence artifact and orally in the round. All quotations should include ellipses when appropriate, according to MLA standards. c. Other MLA standards are considered advisory.

c. The portion of the quotation or paraphrase of evidence introduced should be clearly communicated during speech time and clearly indicated on the evidence artifact. Intentional and/or negligent misrepresentation of the portion of quotations or paraphrases of evidence introduced during a speech is prohibited. Attempts should be made to determine intent and clarify the representation prior to making the allegation.

i. Examples of misrepresentation may include:

– stopping before the end of quoted section without indicating the words read.

– repeatedly skipping words or lines of words through the content of the quoted section without indication.

– speaking without sufficient clarity for participants to determine which parts of the quoted evidence was read with the intent to gain competitive advantage

– distributing evidence artifacts to other participants after speech time that do not accurately indicate the portion of quotation or paraphrase communicated during speech time.

ii. Examples that do not meet the standard of misrepresentation:

-skipping words or parts of words due to mitigating circumstances or unintentional actions.

-brief lack of clarity due to mitigating circumstances or without an attempt to inform the participant that clarity is insufficient.

2. Adjudicating evidence challenges.

a. The individual judge in a round shall make their own judgment on the basis of materials available to them at the time. If they determine that distortion and/or falsification has occurred, they shall award the offending team a loss and award zero speaker points to the offending speaker(s). In situations where both teams have violated the evidence integrity standards, both teams may receive a loss.

b. After individual ballots have been completed, sealed, and handed in, judges in the round shall confer; and if two or more of the judges concur on the evidence challenge, that challenge shall be submitted to the Tournament Director along with a copy of the evidence in question.

### 3. Appeals of challenges.

a. When a case of evidence challenge has been referred to the Director following a preliminary round:

(1) The Director shall forward the challenge to the Subcommittee on Appeals along with a copy of the evidence.

(2) The Subcommittee shall investigate including the soliciting of statements on the claimed offense and/or mitigating circumstances from the judges in the round and from the offending team/speaker/coach.

(3) As soon as possible the Subcommittee shall decide by a simple majority of the subcommittee members whether a violation of the evidence code occurred, and whether to declare the offending team ineligible to advance to the elimination rounds. The polling shall be by secret ballot. Tournament records of the teams shall not be considered as mitigating circumstances.

(4) The coach of the offending team shall be notified as soon as possible. In the case of a less than unanimous decision of the Subcommittee, they may appeal the decision to the National Committee.

(5) In the case of such an appeal, the Chair shall call an emergency meeting of the National Committee. The Chair of the Subcommittee on Appeals shall present the results of the Subcommittee's investigation. The judges and/or coach of the offending team shall then have the opportunity to address the Committee.

(6) The Committee shall then vote by secret ballot on the appeal. A vote of two-thirds of committee members present and voting is necessary to overturn the decision of the Subcommittee.

(7) Persons whose teams are involved in the debate round in question or whose teams would profit from a successful challenge shall not vote in any of these deliberations. When these persons are members of the Subcommittee on Appeals, the Chair of the National Committee may appoint temporary replacements to adjudicate the case.

b. When a case of evidence challenge is referred to the Director following an elimination round:

(1) The Director shall forward the challenge to the Subcommittee on Appeals along with the copy of the evidence.

(2) The Subcommittee shall investigate the soliciting of statements on the claimed offense and/or mitigating circumstances from the judges in the round and from the offending team/speaker/coach.

(3) The Subcommittee shall decide as soon as possible by a simple majority of the Subcommittee polled by secret ballot whether a violation of the evidence code occurred and whether to declare the offending team ineligible to advance.

(4) Persons whose teams are involved in the debate round in question or whose teams would profit from a successful challenge shall not vote in any of these deliberations.

### **Appeal of Operational Decisions (VII.C)**

#### **C. Procedure for Appeal of Operational Decisions.**

The following govern review under Article VI, Section B of the Charter:

1. Eligibility and Participation Decisions. Decisions in preparation for the tournament with regard to Standing Rules II and III shall be handled before the start of the tournament.

##### **a. Emergency procedure.**

(1) All such appeals must be communicated to the Chair of the National Committee three days prior to the first day of the tournament competition. In consultation with the Director, the Chair will determine if the matter can be

reviewed after all parties arrive at the tournament site or if an email conference and/or conference call is required.

(2) The Chair shall then bring the matter before the Subcommittee on Appeals whose Chair shall be responsible for gathering whatever information is necessary to review the appeal.

(3) Through a meeting, email conference, or conference call which includes the appellant, the Director, and any involved parties if those parties so desire, the Subcommittee shall reach a decision. The decision of the Subcommittee is final for the National Tournament operation.

(4) In the case of a Medical Waiver request as per Rule II. A. 1. J, additional care should be taken to maintain both Privacy and Confidentiality of student records as additional FERPA and HIPAA compliance may be required. In cases of a Medical Waiver request, the Chair of the National Committee should facilitate direct communication between the student requesting the Medical Waiver and the Chair of the Subcommittee on Appeals. The Chair of the Subcommittee on Appeals will directly instruct the student on the method to provide the Subcommittee with required documentation and may request additional documentation from the student to verify institutional compliance and Leave of Absence dates. All members of the Subcommittee on Appeals are expected to maintain strictest standards for student privacy in evaluating the request. The report of the Subcommittee on Appeals to the NDT Committee shall only indicate if there was a medical waiver requested and if it was approved or denied for eligibility.

b. Appeal of the Subcommittee Decision. If either the Director or the appellant wish the decision of the Subcommittee reviewed after the tournament, the procedures of Standing Rule VII.C.3. will be followed.

2. During the tournament, the Director shall take no action which they believe will depart from normal operating procedures of the NDT, without first contacting the coaches of the teams involved. When the Director believes their action will depart from normal operating procedures of the NDT, they shall consult with a three-person Tournament Procedures Advisory Subcommittee of the National Committee.

3. Tournament Operation Procedures. Decisions of the Director during the tournament including those in Standing Rules IV, V, and VI are not appealable at the tournament.

a. Any party with objection to the procedures under these Standing Rules shall, after the tournament, write to the Chair of the National Committee explaining the nature of and justification for the objection, including specification of the rule violated.

b. The Chair shall refer the matter to the Subcommittee on Appeals who shall review the matter including interviews with appellant(s), the offended party(ies), and the Director.

c. The Subcommittee shall then report back to the National Committee including with their report any suggested Committee actions.

d. The Chair of the National Committee shall respond to the appellant notifying them of the Subcommittee's findings and any National Committee actions with regard to the appeal.

#### 4. Appeals of Precedent Setting Decisions of the Director:

a. Each year the Director's report to the National Committee shall include information on any interpretations or decisions which would become applicable to future tournaments. The National Committee will then consider these for incorporation into the Standing Rules.

b. Anyone can bring to the attention of the National Committee interpretations or decisions of the Director which they consider potentially precedent setting.

(1) Appeals of such decisions should be addressed to the Chair of the National Committee and should explain the nature and justification for the appeal.

(2) The Chair of the National Committee shall report in writing to the appellant on the Committee's review and action.