

# NASPA Code of Conduct (Effective July 26, 2020)

## Preamble

The favorable reputation of NASPA is a valuable asset that creates tangible benefits for all NASPA members.

NASPA players and officials serve as ambassadors for our game. Accordingly, everyone involved in NASPA activities should refrain from engaging in conduct or behavior detrimental to our reputation when attending a club or tournament. All participants should also strive to present a positive image during events even during those times when they are away from the tournament area, in such places as restaurants or hotels.

Players and directors are reminded that their friends, spouses, relatives, and other associates who attend NASPA events with them should not negatively disrupt the event nor impede club and tournament officials from doing their jobs.

Players and officials are encouraged, to the best of their abilities, to be cooperative and courteous with media personnel who are covering NASPA events.

A NASPA event should be an enjoyable experience for everyone involved. Behavior that is deemed harmful to this objective will not be tolerated. All players are urged to inform club and tournament directors about any incidents which are detrimental to the positive atmosphere at a NASPA event. In order to create a pleasant atmosphere at NASPA events, the following guidelines have been established.

NASPA may also announce that this Code of Conduct is in effect in specific situations that are not traditional club or tournament venues. In this case, the words club and tournament should be understood to refer to the situation in question.

## Classification 1 Code Violations

### a. Audible Obscenities

Do not use audible obscenities while playing a game or in the accepted boundaries of the club or tournament area. An audible obscenity is defined as the use of words commonly known and understood to be profane and uttered clearly and loudly enough to be heard. It is permissible to speak offensive words where necessary in the context of relating a play that was made during a game.

## **b. Visible Obscenities**

Do not make obscene gestures of any kind while playing a game or while in the accepted boundaries of the club or tournament area. A visible obscenity is defined as the making of a sign with hands or other means that is commonly known to have an obscene meaning.

## **c. Written Obscenities**

Do not use any written obscenities to insult, demean, or harass other players or club or tournament officials. This includes the writing of words or statements, commonly understood to be profane, that can be easily seen by nearby players or passersby. It is permissible to write offensive words on a challenge slip when such words are challenged. It is also permissible to write offensive words that have been played during a game (or words that were considered for play) on one's score sheet or note paper.

## **d. Abuse of Equipment**

Do not throw, slam, break, damage or destroy any game equipment, tournament equipment, or other personal property.

## **e. Leaving the Playing Area during a Game without Legitimate Cause**

With the exception of unavoidable restroom breaks or other legitimate reasons, do not leave the playing room before your game is completed (including completing and submitting any required paperwork).

## **f. Deliberate Noncooperation with Tournament Officials**

Cooperate with club or tournament officials and staff at all times. Deliberate noncooperation with tournament officials will not be tolerated.

## **g. Unsportsmanlike Conduct**

Conduct yourself in a sportsmanlike manner and give due regard to the authority of officials and the rights of your opponents and other players. Unsportsmanlike conduct will not be tolerated. Unsportsmanlike conduct is defined as any misconduct by a player that is not specifically defined in other sections of this code, but is clearly abusive, negative, or detrimental to the success of the club, tournament, or NASPA in general.

## **Classification 2 Code Violations**

### **a. Physical Abuse**

Do not at any time physically abuse any official, opponent, or other person within the precincts of the club or tournament site.

### **b. Intimidation, Threats, and Harassment**

It is part of the mission of NASPA to provide all participants and officials at NASPA clubs and events with a safe and harassment-free experience. Do not verbally abuse, intimidate, threaten, bully, or harass fellow players, club officials or tournament officials. This includes (without limitation) sexual harassment and discriminatory or harassing remarks based on race, color, creed or religion, sex, sexual orientation, gender identity, national origin, age, marital status, military status, or disability.

### **c. Sexual and Gender-Based Harassment**

Do not sexually harass or harass on the basis of gender players, directors, other tournament staff, vendors, or visitors. Examples of sexual and gender-based harassment include:

- Any unwelcome sexual attention, advances, and/or requests for sexual favors, whether verbal, physical, or visual.
- Sexually explicit slurs or words used to describe a person.
- Unwelcome jokes, comments, or conversations regarding sexual activity, including the use of sexually explicit language.
- Sexually suggestive remarks concerning a person's body or clothing.
- Any unwelcome comments about a person's gender, gender conformity, physical characteristics, or mannerisms.
- Using sexually-suggestive or gender-based comments to bully, intimidate, or harass a person.
- Spreading sexual or gender-based rumors about a person, including in person, by telephone, by email, online, or otherwise.

Any of the listed behavior is unacceptable in the club and tournament environment. Such conduct will not be tolerated. If you believe that you are the victim of harassment, or observe harassment of someone else, immediately tell the person engaging the offensive behavior to stop, if you feel safe doing so. He or she may not be aware that his or her conduct is unwelcome or offensive.

If you believe that you have experienced sexual or gender-based harassment, you are encouraged to report the matter as soon as possible, even if you have discussed the matter directly with the individual involved. You may report the matter to the club or tournament

director, any member of the NASPA Club/Directors Committee, Tournament Committee, or Advisory Board, or the [Community Advocate](#). The NASPA Community Advocate is a position created by the NASPA Advisory Board specifically to receive and investigate incidents of sexual and gender-based harassment.

Reports made to a club or tournament director about sexual or gender-based harassment during a NASPA-sanctioned event will be dealt with by the director as he/she deems appropriate at the time. The director will then refer the matter to the NASPA Community Advocate (unless requested not to do so by the party making the report, or if the Advocate is the subject of the complaint). Reports to other NASPA committee members will be similarly referred to the NASPA Community Advocate, except as noted.

The NASPA Community Advocate will promptly investigate any report or complaint of sexual or gender-based harassment, subject to any requests for confidentiality you make. The complaint and your identity will be revealed to other NASPA officials and/or committee members strictly on a "need to know" basis. Under no circumstances will you be subject to retaliation for registering the complaint or reporting the conduct. When appropriate and authorized by you, the NASPA Community Advocate will file an incident report with the relevant NASPA committee, for investigation and possible disciplinary action against the offender.

We need your cooperation in immediately reporting conduct which you believe may be any kind of discrimination or harassment.

## **Classification 3 Code Violations**

### **a. Cheating**

Do not cheat. Cheating is defined as knowingly violating the rules to gain a competitive advantage. Cheating is a serious infraction that cannot be tolerated.

### **b. Suspicious Behavior**

Do not engage in suspicious behavior. Suspicious behavior is defined as any behavior that could be interpreted as cheating, but has not been conclusively determined to be cheating.

Note: It is understood that tournament newcomers may sometimes accidentally engage in suspicious behavior because of their inexperience. Directors may grant some leeway and give the benefit of the doubt to unseasoned players who violate the rules without malicious intent. The rules pertaining to suspicious behavior are generally designed for more experienced tournament players who are trying to gain an unfair advantage with their actions and who are willfully violating the rules and/or spirit of the game.

## On-site Reporting and Enforcement of Code Violations

A player who witnesses a Code of Conduct violation should notify a club or tournament director who is in charge of the event at which the violation occurred, as soon as possible.

When a club or tournament director ascertains by a preponderance of the evidence that a player has committed a Code of Conduct violation, the director is empowered to discipline said player in one or more of the following ways, depending upon the seriousness of the offense, the impact on the club or tournament, and any other factors that the director deems relevant to the decision-making process:

1. Official warning – the director warns the player about his/her conduct, and informs the player that additional Code of Conduct violations will carry more serious sanctions.
2. A point penalty (e.g., 100 points; 200 points) applied to club or tournament spread.
3. Forfeiture of the game in process at the time of the violation.
4. Ejection and disqualification from the club or tournament.

The disciplinary items listed are not intended to be a system of "progressive discipline" in which the player may only receive an official warning for a first offense. Rather, the director is empowered to levy those sanctions against the player which the director deems reasonable under the circumstances.

Sanctions may also be imposed against the player by NASPA as detailed below.

## Reporting Code Violations to NASPA

Club and Tournament directors are required to report all code violations to NASPA as soon as they can conveniently do so, and not later than 7 days after the event (use the [Incident Report](#) form). Players are also permitted to report code violations to NASPA using the [Incident Report](#) form (but should always make an in-person report to the director at the time of the event, unless special circumstances apply as described below). Players should report code violations to NASPA as soon as they can conveniently do so. NASPA will consider the timeliness of an [Incident Report](#) filed by a player when determining what action to take.

Incidents which occur at a club shall be reported to the NASPA Club/Directors Committee (CDC). All other incidents which are related to NASPA competition, whether at a tournament or otherwise, shall be reported to the NASPA Tournament Committee (TC).

## Incident Report Investigation

Upon receipt of an incident report, the CDC or TC will also investigate the incident and shall levy such sanctions against any of the involved parties as it deems appropriate. The committee will endeavor to complete its incident report investigation within 3 weeks from the date the report is received. The committee shall investigate the incident as it deems appropriate under the circumstances, but such investigation shall ordinarily proceed as follows:

1. For a first offense of a lower-level violation, the committee will generally receive the incident report for its files, and take no action beyond the sanctions imposed by the on-site director.
2. For a more serious violation, the committee will generally solicit statements from relevant witnesses, then forward the entire incident report, including witness statements, to the accused player and provide him/her an opportunity to respond (usually 10 days will be provided).
3. The committee will review the entire record, solicit any additional information it deems necessary or advisable, then render its decision.
4. The decision will be communicated to the accused player at his/her email address of record in the NASPA membership database. If the player does not have a recorded email address but does have a recorded postal address, a printed copy of the decision will be mailed to the player.
5. If the decision results in a membership suspension, a suspension record will be posted for viewing by NASPA directors online at NASPA Member Services, and the suspension will be announced on the [naspa-tcd@yahoogroups.com](mailto:naspa-tcd@yahoogroups.com) mailing list for NASPA directors.

Should the committee find, by clear and convincing evidence, that a player has committed a Code of Conduct violation, the committee shall issue such sanctions against the player as it deems appropriate, which sanctions may include, but are not limited to, suspension of an individual from participation in club and/or tournament events for a period of time or permanently, suspension or revocation of an individual's NASPA membership without refund, financial restitution, and adjustment of game results or spread, or cumulative spread. Additionally, where appropriate, the CDC or TC may require an individual to provide reasonable evidence that circumstances underlying that person's misconduct have been appropriately addressed, prior to that person being permitted to participate in NASPA-sanctioned activities. An accumulation of transgressions may result in longer suspensions and/or other disciplinary action.

The CDC and TC will keep records of all reported transgressions, and any action taken with respect to them, and will share this information with each other.

All reports/statements provided to the CDC or TC shall be deemed non-confidential, unless a request for confidentiality accompanies the report/statement. "Non-confidential" means that reports/statements may be shared by the CDC or TC with the accused and other parties to the

alleged incident, for their review and response. "Confidential" means that the CDC or TC will not forward the report/statement to the accused or any other party, except for another NASPA committee considering the matter, either directly or upon appeal. Confidential reports/statements are given less weight.

All parties to an incident report investigation are prohibited from disseminating the reports or statements of others to any party, other than legal counsel or personal advisors to that party, or to NASPA committees who are acting on the incident report.

## **Special Circumstances**

In the event that a Code of Conduct violation is committed by the on-site director, and the player is uncomfortable reporting the violation to that director, they may report it to a NASPA Advisory Board member or Executive Committee member, if present at the tournament, or may make a written Incident Report to NASPA at the earliest convenient opportunity to do so.

In the event that a player is subject to sexual or gender-based harassment, they may report it in any of the ways outlined in the Sexual and Gender-Based Harassment Policy above. In the event that a player is subject to other kinds of harassment, and is uncomfortable reporting the harassment to the on-site director, they may report it to a NASPA Advisory Board member or Executive Committee member, either in person, by phone, or in writing.

## **Right to Appeal of On-site Director Sanctions**

A player who has been disciplined by an on-site director may appeal the disciplinary ruling as follows:

1. Tell the director immediately that you object to their decision, and explain why, citing specific rules and presenting evidence as appropriate. You may ask for a second opinion, if a second director is available to offer such opinion. Do not delay, as most problems quickly become harder to resolve fairly with the passage of time. NOTE: If the director has ejected you from the tournament site, your right to immediate appeal is void, and you must appeal to a NASPA committee as described below.
2. If you disagree with a club or tournament director's ruling against you, and are unable to resolve your disagreement with them, email or mail the CDC (for incidents taking place at a NASPA club) or TC (for all other incidents), respectively, within 10 days of the ruling. Give as much information as you can about the ruling, and include eyewitness or other evidence to support your case. The CDC or TC will ask the director to provide a written account of the ruling and the evidence on which it was based. The CDC or TC will then make its own ruling, typically within 30 days of gathering all necessary information. The CDC/TC may uphold, vacate or modify a director's original ruling (to either increase or decrease the sanctions against a player). The CDC/TC may uphold a director's original ruling based on an evidentiary standard of preponderance of the evidence, but will only

vacate or modify a director's original ruling based on an evidentiary standard of clear and convincing evidence.

The NASPA Executive Committee (EC) is also empowered sua sponte to direct the CDC or TC to consider any director's decision.

## **Right to Appeal of NASPA Committee Ruling**

If you disagree with a ruling issued against you on an incident report by the CDC or TC, you may appeal it to the Advisory Board (AB). To do so, email or mail the Executive Committee (EC) within 10 days of the issuance of the committee ruling, and explain why you believe the committee's ruling was unjust. The EC will ask the committee chair to forward all files pertaining to the ruling to the AB, and offer the chair an opportunity to reply to your appeal in writing. The AB will then deliberate on the matter at its next meeting, typically within 30 days of gathering all necessary materials, using an evidentiary standard of clear and convincing evidence. The AB deliberation constitutes a de novo review of the matter, and the AB may uphold, vacate, or modify (to increase or decrease) sanctions levied by a director or another NASPA committee. The AB may uphold a lower committee's ruling based on an evidentiary standard of preponderance of the evidence, but will only vacate or modify a lower committee's ruling based on an evidentiary standard of clear and convincing evidence.

The NASPA Executive Committee (EC) is also empowered sua sponte to direct the AB to consider any director's or other committee's decision (except for decisions of the Executive Committee).

## **Motion for Reconsideration by NASPA Executive Committee**

If you disagree with a ruling issued on an incident report by the AB, you may email or mail the NASPA Executive Committee (EC) and ask it to reconsider the matter. The EC is also empowered sua sponte to reconsider any director's or other committee's decision.

Should the EC decide to reconsider any matter, it will review the case record to date in the matter, solicit such additional information as it deems necessary or advisable, and shall render such decision as it deems proper under the circumstances. Except in extraordinary circumstances, the EC will not accept for reconsideration the decisions of lower committees or directors. If the EC declines to reconsider a matter, the decision of the AB shall be final.

The EC reconsideration constitutes a de novo review of the matter, and the EC may uphold sanctions levied by a director or another NASPA committee, based on an evidentiary standard of preponderance of the evidence, or may vacate, or modify (to increase or decrease) sanctions levied by a director or another NASPA committee, based on an evidentiary standard of clear and convincing evidence. The decision of the EC shall be final.