



North Dakota House of Representatives

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Good afternoon, Chairman Elkin, Vice-Chair Beard and Members of the Senate Education Committee. For the record I am Representative Jayme Davis. I work for the people of District 9A in Rolette County which includes the International Peace Gardens, the Turtle Mountain Reservation, and south past the town of Rolette which is where I reside.

I bring to you today, House Concurrent Resolution 3022 which is to consider studying and clarifying the roles of the State Board of Public School Education, the Superintendent of Public Instruction, the boards of public school districts, and the North Dakota High School Activities Association, as they relate to proper spectator conduct, including the clarification of expectations and consequences for violating those expectations, and the promotion of good sportsmanship good citizenship, including embracing diversity.

I'm going to give you a little background and timeline on what sparked this Resolution.

On January 31, 2023, there was a boys' varsity high school basketball game at the Jamestown High School. It was the Bismarck High School vs. Jamestown High school. During this basketball game there were multiple incidents involving the use of racial slurs vocalized by the Jamestown student section directed at the Bismarck High School student-athletes of color.

Taken from an interview done with one of the student-athletes of color and his father, I quote.

"Bismarck High basketball player Andre Austin, who is Black and Native American, said in a statement that during most games he is able to ignore noise from the crowd, but during Tuesday's game, a student called him the N-word.

"After being fouled on a drive, I get to the free throw and do my regular routine. That's when I heard loud chanting and noise making of a monkey. I was immediately shocked and I couldn't believe what I was hearing," he said.

He missed the first shot. Just before the second shot, the monkey noise came again, he said, but he didn't miss.

"Until I ran by the student section and some boy yelled to me, 'Come on you little N-word,' I couldn't believe it. My heart raced and I felt so embarrassed and angry," Andre said." ...

“I did my best to tune them out, but once again at the free throw line I heard the chanting. I felt like I was alone and no one else felt this was offensive. This was my first experience having to endure such hatred and harassment, he said.”¹

In the same article Quinn Austin, father of Andre stated, “he couldn't believe what he was hearing when his son stepped up to the free-throw line. Angry, he tried to talk to administrators, but nothing was done about the taunting, and he felt helpless, he said.

In talking with the administrator Mr. Austin stated, "I said, 'alright, excuse me. I just witnessed you go confront a grown man for about two minutes on how to conduct himself, yet you have these racist kids over here making 'effing monkey noises while my son shoots free throws, and that's okay with you?'"

Mr. Austin went on to say, “At the end of the game, I couldn’t even look at my son, because I couldn't even look him in the eye. I was afraid of making him feel bad,” Quinn Austin said. “He was barely keeping it in. He was crying.”¹

After learning of this incident, I as Representative Jayme Davis, wrote a letter to the Executive Director of the North Dakota High School Activities Association. I have included my letter as part of my testimony.

In the letter dated February 4, 2023, I laid out the listed NDHSAA *minimal* behavior expectations guidelines:

- Contesting schools shall each have an authorized faculty representative present who shall be responsible for his/her school’s participants, students, and fans throughout the contest.
- The use of appropriate language is expected at all times. Profanity, negative chants, trash talk, name-calling, personal attacks or other acts of disrespect are unacceptable and must be immediately addressed by school/tournament administrators.

I asked why these *minimal* behavior expectations were not met? I went on to notify that I am aware that incidents are to be handled at the local level. However, when they fail it is up to the NDHSAA to hold them accountable. I recommended a zero-tolerance policy to be implemented.

On February 8, the NDHSAA board unanimously approved to clarify existing antidiscrimination policies. They decided to add the language “Any discriminatory slur will result in immediate removal from the facility.”

That following Saturday on February 11, my own high school alma-mater Turtle Mountain High School traveled to Dickinson for a boys varsity high school basketball game. Again, the student-athletes of color were subjected to name-calling and racial taunts during the game. This time one person decided to mock the Native American culture by doing a dance.

¹ Hagen, C.S and Broadway, Nick (February 2, 2023 at 7:29pm)

‘Racial taunting’ at North Dakota basketball game prompts call for harsher consequences

<https://www.inforum.com/news/north-dakota/racial-taunting-at-north-dakota-basketball-game-prompts-call-for-harsher-consequences>

Once again, nothing was done. The administrators and/or authorized faculty representative failed to meet the *minimal* behavior expectations guidelines to the detriment of the student-athletes of color.

Now if these were the only two incidents that ever happened in North Dakota I wouldn't be here. Unfortunately, it has been happening for decades. I can speak to my own experiences. I grew up with a great love for sports. Basketball being my greatest love. I would play anywhere at any time I could.

In the early 1990's I was playing in a 6th grade basketball tournament we were playing against a neighboring school. As we got to playing the girl that was guarding me said, "Eww, you smell like a dirty Indian". It hurt me but didn't know exactly why. Later, in the game as I was guarding her, she said, "get off me you Prairie N-word". Again, I was hurt but didn't know exactly why. I talked to my family after the game, and they educated me on what those words meant and validated the feelings I was having.

Fast-forward to my freshman year at Oak Grove in Fargo, ND where I was one of few people of color on the team. I believe it was our second or third game where one of the girls on the opposite team said to me, "oh they had to get another prairie n-word to play for them." By this time, I had been called that name so many times it didn't faze me. How sad is that?

This racism, harassment, and all other hatred must stop. People need to be held accountable for their actions or in these cases inactions.

Normally, I am in favor of keeping things at the local level but when the local level fails time and time again for decades something needs to change. I'm told that the NDHSAA is a non-profit and as such it's hard to hold them accountable. I say, okay then let's find out who is and create policies and procedures of zero-tolerance.

That's why I bring forward this Resolution for a study on how we can best address these issues head on with everyone at the table. We know better, its time to do better. We must remember that we are all accountable to each other. When you see/hearing something that's hurtful, racist, or harassing – say something. No more sitting idly by expecting someone else to speak up or take action.

With that I ask you for a Do Pass recommendation and I stand for questions.

Miigwech, Philamayayapi, Thank you.